NATIONAL MUNICIPAL REVIEW

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National Municipal League

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CONTENTS

DEPARTMENTS

The contents of the NATIONAL MUNICIPAL REVIEW are indexed in the *International Index to Periodicals* and in *Public Affairs Information Service*

THE LEAGUE'S BUSINESS

Baldwin Prize Awards.—The committee on award of the annual Baldwin Prize, consisting of William C. Beyer, Philadelphia Bureau of Municipal Research, Professor Frederick H. Guild, University of Kansas, and Professor Morris B. Lambie, University of Minnesota, has granted the first prize to Joel Gordon, of Harvard College. His topic was "Defects of Present-Day Manager Government." The Baldwin Prize of one hundred dollars is offered each year by the National Municipal League for the best essay on municipal government by a college undergraduate.

Two others received honorable mention for essays on: "The Division of Powers between the Central and Borough Governments in a Federated City."

Second place—Lowell Whittemore, Harvard College.

Third place—Harry Herbert Kleinman, Harvard College.

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Frederick L. Bird Succeeds Welles A. Gray in Municipal Administration Service.—As announced on this page in July, Welles A. Gray, assistant director of the Municipal Administration Service, left the organization to accept a position in the Finance Department of the United States Chamber of Commerce. Mr. Frederick L. Bird has been appointed as successor to Mr. Gray. For the last year, Mr. Bird has been secretary of the Committee on Coal and Power, 70 Fifth Avenue, New York City, and meanwhile has been a graduate student at Columbia University. He is the joint author of two recent books, "The Recall of Public Officers" and "Public Ownership on Trial." For several years he was the head of the department of political science at Occidental College, Los Angeles, California. While in Los Angeles he did a great deal of research work in municipal government and is thoroughly conversant with the practical aspects of municipal administration.

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American Legislators' Association to Join other Groups in 1930 Meeting.—The American Legislators' Association will join the National Municipal League and the other sponsoring organizations in the National Conference on Improving Government to be held at the Hotel Statler in Cleveland on November 10, 11 and 12. This decision of the American Legislators' Association will help to increase the attendance at the convention and will undoubtedly contribute to public interest in the program.

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Appointment of Committee to Report on Advisability of Branch Organizations for the National Municipal League.—At the meeting of the League council in April of this year, a recommendation was made that the National Municipal League should change its present policy of being a unified organization and should, instead, become a federated organization with local branches. It was decided at that time that a committee should be appointed to work up a report upon which the council, at a future meeting, could base its decision with respect to this policy. The following individuals have accepted President Childs' invitation to serve on this committee:

Howard Strong, executive vice president, Wilkes-Barre Wyoming Valley Chamber of Commerce, Wilkes-Barre, Pa., *chairman*

Harold S. Buttenheim, editor, *The American City*, New York City

H. S. Braucher, secretary, Playground and Recreation Association of America, New York City

Lent D. Upson, director, Detroit Bureau of Governmental Research

H. M. Waite, Cincinnati, Ohio

RUSSELL FORBES, *Secretary.*

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EDITORIAL COMMENT

City Managers' Convention Promises Attractive Program

The International City Managers' Association will hold its seventeenth annual convention at the Palace Hotel, San Francisco, September 24 to 27. As is customary with the city managers, whose meetings have little in common with old-fashioned political junkets, the program calls for four days of strenuous work. Topics to be discussed from all angles include municipal finance, personnel administration, police administration, and government reporting. Stephen B. Story is president of the Association and Clarence E. Ridley is executive secretary. Hollis R. Thompson is chairman of the local committee on arrangements.

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No Express Highways in Los Angeles Regional Plan

Arthur Comey in his review of the Los Angeles County Regional Plan of Highways (NATIONAL MUNICIPAL REVIEW for July, p. 380) called attention to the omission of express roads from the plan. Director Charles H. Diggs of the Los Angeles County Regional Planning Commission writes to state that this omission was not an oversight but the result of careful consideration. The Los Angeles situation, he states, is different from that in other localities and highway design must follow original lines developed from a thorough analysis of their own peculiar problem.

Death of George B. Ford

George B. Ford, director of the Regional Plan Association of New York and distinguished city planner, died in New York City on August 13, following a brief illness. Mr. Ford was a leader in the new profession of city planning and zoning, and had acted as consultant to scores of cities. His interest in regional planning lead him to become the first director of the Regional Plan Association. During the war he served with the American Red Cross and, as the head of its Reconstruction Bureau, had a prominent part in the rehabilitation of the devastated regions of France.

Mr. Ford was an advocate of the necessity of a well-conceived financial program as an integral part of any city plan, and as a professional planner took the lead in preparing long-term expenditure programs as a feature of his city plans. He was a frequent contributor to the REVIEW, one whose interests led him into many phases of municipal government. A man of fine ideals and a cheerful and generous friend, his death will come as a personal loss to the many who knew and loved him.

Meyer Lissner

Again we have the sad duty to report the death of an old member and officer of the League, one who has left a rich record of civic accomplishment during an active professional life. Meyer Lissner died suddenly of heart disease in Los Angeles on July 29. His civic interests were too numerous to record here. For a number of years he was a member of the executive committee of the N. M. L., later becoming a vice president. When he came to Washington in 1921 to serve for four years as a member of the United States Shipping Board, he again saw service on our executive committee, retiring when he returned to California and became unable to attend the regular meetings of the committee. He was an organizer and later president of the Los Angeles City Club. He had been president of the Los Angeles Board of Public Utilities. At the time of his death he was a member of the California Industrial Accidents Commission which he helped establish in 1920. In politics he was a progressive Republican, having been in turn chairman of the Republican State Committee and member of the executive committee of the Progressive National Committee.

Mr. Lissner will be sorely missed for the charm of his personality and for his good works in the cause of civic and political betterment.

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Another Victory over Billboards

The victory of the City of Indianapolis over the General Outdoor Advertising Company in the Supreme Court of Indiana will be welcomed by the readers of this magazine. On June 27 the above court sustained the city's ordinance against the maintenance of billboards in certain locations as a proper exercise of the police power. The ordinance forbade billboards within 500 feet of any park, parkway or boulevard. Billboards lawfully erected before the ordinance was passed (July 8, 1922) cannot be removed against the will of the owner without just compensation, but for billboards erected after that date the prohibition is in full force and effect.

In sustaining the ordinance, the court said that æsthetic or artistic considerations are not sufficient, as the law stands today, to invoke the police power, but æsthetic considerations may enter in "to a great extent" where the regulation in question has a reasonable relation to the health, safety, morals or general welfare of the community. In noting that the prohibition extended only to areas in proximity to public parks and boulevards, the court said that such prohibition by virtue of the areas to which it extends "may properly have a relation to the public health, comfort and welfare which it would not otherwise possess."

The opinion of the court is significant in the attention it pays to æsthetic values. Aesthetics are still insufficient to justify an attempted exercise of the police power, but æsthetics may be considered in relation to health, welfare and morals. The fact that a proposed regulation considers æsthetic values will no longer be used in Indiana to discredit social legislation.

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Unit Measurements for Street Cleaning and Refuse Disposal

For some months the National Committee on Municipal Standards, composed of representatives of the National Municipal League, the International City Managers' Association, the Governmental Research Association, and the American Municipal Association, has been working on units of measurements for street cleaning, refuse removal and disposal.

Last October a tentative report by this committee was adopted in principle at the annual convention of the International Association of Street Sanitation Officials. Now with the appointment by the last named association of a committee on uniform street sanitation records, the establishment of standard measurements for reporting street sanitation activities seems assured.

Research to date suggests that the unit of street cleaning should be the curb-mile; since under present conditions the cleansing of streets is becoming largely a matter of cleaning along the gutter. If a machine is used the mileage will be determined by the actual distance which it travels along the curb line. If a flusher or hand method is used the curb-miles on both sides of the street will be totalled. Special computations will be made of street width and amount of water consumed. The main advantage claimed for the curb-mile basis as compared with the square yard measure is that unit costs are not distorted by the width of the street.

For the removal and disposal of garbage and other refuse, "tons of refuse" has been tentatively adopted as the standard unit of measurement. In view of the impossibility of estimating cubic yardage with exactness and because of the variation in weight of garbage from season to season and from locality to locality, weighing is considered the only reliable measurement. However, where it is impossible to weigh even sample loads of refuse, which is generally the case where the refuse is hauled to a dump, the committee provides that "cubic yards" may be employed as an alternative unit. An exception is made for catch basin cleaning for which cubic yards rather than tons is considered the preferable unit.

The items of expense to be included in the computation of unit costs will be set forth by the committee in its report, which will be submitted at the next convention of the International Association of Street Sanitation Officials at Louisville in October. The final report will include complete instructions for computing quantities of work done and its cost, as well as the means by which these computations can be converted into daily, monthly and annual reports.

There thus emerges one more constructive contribution from the National Committee on Municipal Standards, which has set for itself the difficult task of establishing units of measurement of efficiency in municipal government. Students have sometimes denied the possibility of ever attaining comparable efficiency measurements for government. But other bold spirits, conscious of the difficulties in their way and knowing the care with which any units of efficiency must be employed, have not feared to attack the impossible. From the pioneer work of the National Committee on Municipal Standards, measurements may be evolved which citizens can substitute for untrustworthy and misleading tax rates as a basis of comparison of the efficiency of municipal governments. Colonel Henry M. Waite is chairman of the National Committee, Clarence E. Ridley is secretary, and Donald C. Stone is director.

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Public Works, Unemployment and City Planning

In the past the NATIONAL MUNICIPAL REVIEW has been skeptical of many of the proposals to beat the business cycle by accelerating the construction of public works in periods of unemployment. It was particularly fearful that President Hoover's appeal last winter would stimulate rash and improvident build-

ing, because so few cities or states had anything resembling carefully prepared programs of long term expenditures which would enable them to observe the President's injunction to exercise prudence. The danger was that the economies of sound financial methods and the advantages of an orderly prosecution of the city plan might be sacrificed in the stampede for new construction. At that time we pointed out that President Hoover would not have done his full duty until he had emphasized the necessity of long-term improvement budgets compiled in accordance with a comprehensive city plan.

We are glad now to record that the report of the Committee on Recent Economic Changes of the President's Conference on Unemployment is a fulfillment of this responsibility. This report is entitled "Planning and Control of Public Works." It is accompanied by a fact-finding study of the volume and character of governmental expenditures for permanent improvements in the United States. The factual study was made under the direction of Dr. Leo Wolman of the National Bureau of Economic Research. Both the report and the study are reviewed in this issue by Vernon A. Mund.

The committee believes that public works can be helpful in forestalling periods of unemployment, but the amount of new construction is less important than the timing of the acceleration. "If properly timed, as the pendulum of unemployment starts to swing in an unfavorable direction" the report states, "the influence of the prompt expedition of public works is effective out of all proportion to its size." The committee sets up no timing device to indicate to public officials when the acceleration should commence but contents itself with a discussion of the underlying economic forces which must be considered. Perhaps business men and economists can proceed to develop a simple index by which local units can be guided, but after the experience of the past two years we are doubtful whether such an index would be followed even if the government had the temerity to publish it. However, this is not to deny that progress is possible and the influence of the report, signed by distinguished persons whom the business world respects, will be instrumental in developing a popular understanding of the nature of unemployment cycles and the extent to which governments may lessen their severity by pushing public construction.

One of the principal theses of the report meets the unqualified approval of the REVIEW. "Long-range planning and budgeting" it asserts, "are necessary if the full value of public works as a stabilizing influence is to be developed." City and regional planning makes the task easier than it would have been a few years ago. It is not sufficient, the committee states, that each local government prepare its own capital budget. Where several local governments exist in the same region it is necessary that their programs be harmonized. The report correctly declares that little has yet been done in this respect, although there are conspicuous examples of overlapping or adjacent local units which have formulated a common plan and program.

We now have in the report of the President's committee an authoritative declaration of the conditions which surround the utilization of public works construction as an aid to unemployment. It is one more argument for the necessity of physical and financial planning.

HEADLINES

Mayor Bowles of Detroit, recently recalled from office by the huge margin of 40,000 votes, is still mayor and may be for some time, since under the Michigan law he holds office until his successor is chosen, and may also be a candidate to succeed himself. If enough candidates enter the race, there is a chance that the vote of the opposition may be sufficiently split so the mayor will keep on mayoring. The election is Sept. 9.

* * *

County taxes in Massachusetts are going up. An increase of $330,622.59, or 4.32 per cent, in county taxes for 1929 over 1928 is reported by the director of accounts. The amount of county funded debt issued during the year shows a decrease over the previous year of $632,000, or 53 per cent.

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It's still being done! Comes now Delevan, N. Y., population 600, with an election to approve the issuing of long-term bonds to buy a new fire engine. Firemen were tired of going to conventions with the old town pumper. Long after the engine has ceased attending firemen's conventions, however, Delevan taxpayers will be paying for it.

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Dallas, Texas, which has been flirting long with the manager plan, has reached the proposal stage. Tentative date for the election is Oct. 7.

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A joint city manager for three of the foothill cities of California is the latest west coast suggestion. For this purpose, political union of the three cities—Los Gatos, Saratoga and Campbell—would not be necessary, in the opinion of the advocates of the idea.

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What Will Rogers refers to as the "missing links" are causing city councils trouble. Why anybody should want to play "baby golf" at any time might be just cause for wonder. Nevertheless, ordinances are being rushed through at the petition of aroused citizens providing a midnight closing hour for miniature golf courses.

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City Manager Story is still the issue in Rochester politics. All attempts to break the deadlock in the city council which resulted from the death of Mayor Wilson more than six months ago have failed.

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Reduction of $3,415,000 in the valuation of the Portland, Ore., Electric Power Company is made by the Oregon public service commission. The higher value was placed on the property by the commission fourteen years ago. The new valuation cuts $10,600,000 from the value claimed by the company.

Four out of five amendments to the city charter of Toledo passed at the election last month. The amendment permitting home rule taxation by the city failed. Among the successful amendments are one permitting a vote on the renewal of a public utility franchise at any time, and one permitting regulation of competition in public utility franchises.

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Movement for the city manager plan in Lexington, Ky., which was forced to abandon that form of government by the adverse decision of the state supreme court, is again under way following the repassage of the state enabling act last spring.

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Man's feeble attempts at progress are sometimes not so feeble. Witness the drop in the typhoid death rate over a 20-year period. In 1910 the typhoid death rates per 100,000 population was 20.58 for 74 large cities. This figure dropped steadily, year by year, until 1929 when the rate for the same cities was 1.56.

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A city official, duly elected to office, "must be paid whether he earns his salary or not," Chicago corporation counsel rules. Did they have to consult a lawyer to find that out?

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County-owned power plant in Crisp County, Ga., succeeds so well that Georgia Power Company is forced to cut rates in half to meet competition. Now the corporation is ordered to show cause before the public service commission why rates throughout the state should not be similarly lowered.

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A new way to solve the billboard nuisance! New York state plans to erect screens on state property in front of billboards constructed on privately-owned lands in the vicinity of the new mid-Hudson bridge. Billboard men are fighting the move.

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Chopping the net investment claim of the Clarion River Power Company of Foxburg, Pa., more than half, the Federal Power Commission has made public a preliminary accounting report that will excite comment among those interested in public utility valuation. Among the items eliminated is one of $2,550,000 which covers a portion of profit resulting from the construction contract. The nigger in the woodpile was the fact that the contractor was affiliated with the Clarion River Power Company.

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Alexandria, Va., where the Chamber of Commerce ordered 200 pounds of "rain powder" from Sante Fe, N. M., receives rain before the powder arrives!

HOWARD P. JONES.

THE CITY MANAGER MOVEMENT IN ST. PAUL

BY HERBERT LEFKOVITZ

St. Paul voters twice decide against manager charter within a period of eight months. ::

ST. PAUL grew up with a mayor, bicameral council, and administrative board system of government. In 1896 Minnesota adopted a home rule amendment to its constitution and in 1899 the legislative enabling act was passed. St. Paul's first home rule charter in 1900 took over the existing system as it had developed through some forty years of growth. There was a board of aldermen representing the twelve wards and an assembly of nine members elected at large. The administrative functions were in the hands of boards in which the standards of ability and integrity were generally high. St. Paul found this machinery cumbersome and clumsy. The efficiency and integrity of the administrative boards were manifest, but the system as a whole did not meet the political requirements of the city, and St. Paul in 1912 turned to the commission plan then at the height of its prestige and vogue.

EXPERIENCE WITH COMMISSION GOVERNMENT

The new charter went into effect in 1914. While preserving most of the technical features of the old charter, the administrative functions were given to a six-man commission elected at large. With the exception of a few relatively minor amendments that have been made from time to time, this system has come down to the present and is still in force. The mayor assigns the members of the council-commission to the various departments with power of reassignment at the end of six months. The comptroller, also elective, draws up the budget. The council, in passing the budget, may not change any item by more than 10 per cent nor the total budget by more than 3 per cent. Expenditures are limited to $30 per capita, but excepted items bring the total to about $33. The administration of public education is a novelty. The department of education is one of the six major administrative divisions and is headed by one of the commissioners. Although the charter provides for the appointment of an advisory board, with ward representation, the function was to be that only of school visitors. The present commissioner of education is the first, since adoption of the charter, who has put the provision into effect.

From the start there were complaints and dissatisfaction. It seemed illogical to combine the legislative and administrative powers in the same men. The criticism was soon made that the commissioners were "six little mayors." Central direction was lacking. Log-rolling was rife. Amateurs were trying to fill the boots of professionals. Management of the six departments called for expert skill, but only a practical politician could get elected. The commissioners as a class were mediocrities. Worse still, it was impossible in ad-

vance to know the department which any candidate for the commission could fill if successful at the polls. Indeed the candidate himself did not know. In the exigencies of the assignment, a commissioner of parks and playgrounds might find himself called upon to discover the talents of a commissioner of education. A commissioner of public works became a commissioner of finance overnight.

Criticisms such as these led to the drafting and submission, in 1921, of a federal-plan charter. It was very similar to the old system from which the city had fled less than ten years before. There was, as before, a bicameral council but the administrative boards were largely eliminated. There were, however, some important exceptions. But in general the city administration was to be departmentalized and little emphasis was placed on the board feature. This charter was defeated.

MANAGER CHARTER TWICE DEFEATED

There was no major movement of reform again until 1925, when the City Charter Commission decided that the time had come to remedy the manifest defects, the inefficiency, and incompetence of the city government. A select committee was appointed which recommended the city manager plan. A committee was then instructed to prepare such a charter. It retained Louis R. Frankel of St. Paul as counsel, who drafted a city manager charter which was offered to the voters in November, 1929, and defeated and then, with a few changes, resubmitted in June, 1930, and again rejected.

The mayor was to be a voting member of the city council with veto power. His functions were to be of a full-time nature and his salary $5,000. He was given the power of appointing the school board, city planning commission, and one member of the civil service commission. It was anticipated that the mayor would be more than the ceremonial head of the city government and would assume an initiative and responsibility in political leadership. His term was to be two years, against four years for members of the council.

The school board was to be rather unique in its rotation of terms. Composed of seven members, two were to be appointed each year except the fourth year, when only one would have been named. As a result it would have required two years to change a definitely fixed policy of the board. This was done to protect school policies from sudden and radical changes and yet make public education amenable, through the mayor, to public opinion.

In its financial clauses the new charter proposed a reform which is recognized even by most opponents of the city manager plan as desirable. The present limitation is on a per capita basis. The city may spend $30 a year for each resident as shown by the most recent federal census and it is presumed that the city grows each year one-tenth as much as it did in the aggregate in the last preceding decade. Because St. Paul grew considerably more rapidly between 1920 and 1930 than it did from 1910 to 1920, the city government now faces ten fat years. It is generally agreed that these fluctuations of civic expenditure with population are not soundly based and that value of taxable property is a more accurate guide to the ability of the city to support its government. Accordingly in the new charter the limitation was changed from a per capita basis to millage. Full and true value was taken as the safer base because assessed value, being on a percentage basis and varying for different classes

of property, is subject to change by the legislature.

One feature of the charter which was of especial interest was its provision relating to the sewers. St. Paul, because of its topographical situation and its broad area, has a peculiar problem in assessment of property owners for sewer construction. In the new charter the city council was authorized, in its discretion, to erect the sewage and drainage system into a public utility, with a definite assessment per front foot and a scale of service charges.

But the charter in general followed the lines of city manager plans elsewhere. The city council was to consist of ten members elected at large who would appoint the city manager and perform the legislative function.

ORGANIZED LABOR IN OPPOSITION

This charter was submitted on November 5, 1929. The chief opposition came from organized labor, the teachers' federations, and the office holders at city hall. Organized labor had no real reason for opposing the plan, but probably believed that since it had done very well politically under the commission system, practical considerations counseled against any change. At that time labor had three of the six councilmen and the comptroller, and was hopeful of at last electing its own mayor at the forthcoming elections. The teachers' federations declared that school boards are unsound, by which they undoubtedly meant that they considered a single-headed administration of the department of education to be more susceptible to the kind of political influence they are in a position to exert.

The city manager charter was attacked as a step toward dictatorship. Many of the outlying districts were disappointed at the provision for election of councilmen at large. The sewage clause was misinterpreted and misquoted. A great storm was raised over the fact that in the new charter franchises would be granted by the city council and not submitted automatically to popular election. As a matter of fact, the new charter provided that any franchise granted by the council would be subject to referendum petition and, moreover, the only remaining public utility franchise will probably be given over to state regulation within the next few years. In general it was argued that the purpose of the city manager plan was to remove control over the city government as far away from the people as possible.

The vote was taken at a special election and was very light. The count was 22,457 for the charter, 22,867 against. Another 4,768 affirmative votes would have carried the charter. From this strong showing, no less than from the evident spirit of reform and revolt, the friends of the city manager plan took heart and began preparations for resubmission. It was plausibly contended that victory depended only on arousing enough interest to get out a representative vote, that the opposition had polled its maximum strength and could easily be overcome.

CHARTER RESUBMITTED IN JUNE

Unfortunately both calculations proved wrong. Before the charter could be resubmitted the spirit of reform and revolt which had been so noticeable the preceding winter had worked itself out at the municipal primary and election in the spring. Mayor Hodgson, running for his fifth term, was eliminated at the March primary and attributed his defeat to his opposition of the city manager plan the preceding November. At the May municipal election the voters made a

comparative stranger to politics mayor and put three new men into the city council. It seemed to be the feeling of the public that sufficient change had been made at city hall and that the "new deal" administration was promise enough.

The other calculation also went wrong. Despite a vigorous newspaper and speaking campaign, public interest was hardly greater on June 16 than it had been on November 5. The charter was defeated on second submission more decisively than on the first, and this notwithstanding a less articulate and less vigorous opposition.

There were a few noteworthy differences between the June and November charters. The most important of these pertained to the council. In deference to the demand for district representation, which in some respects was well-grounded, it was provided that the Council should consist of thirteen instead of ten members, five to be elected at large, one each to be elected from the six state senatorial districts of the city except the forty-second which should elect two, and the mayor. The enabling act for handling the sewers as a public utility was dropped. Franchises were restored to popular election.

Between the two charters there had intervened the 1930 federal census, showing a better than 15 per cent gain of population for the decade. The result, under the per capita limitation, is that the city will have $600,000 more to spend in 1931 than it has in 1930. It was pointed out during the campaign that with a limitation of 21 mills on full and true value as provided in the charter (with an additional single mill permitted in case of emergency) the increase would only be $300,000, which was clearly ample.

The charter, however, was defeated. With some 75,000 of the eligible voters staying away from the polls, the count was 20,888 for the charter, 28,553 against. The charter failed, in the last analysis, because the people of St. Paul were not persuaded of the importance of their governmental forms to the point of taking action.

There is a suggestion at the present time of two separate amendments to the existing charter. One would change the financial basis of the city government from the per capita to the millage basis, as proposed in both the November and June charters. The other would provide for a budget-making body to replace the present system whereby the comptroller draws the budget and the council is strictly limited in its power to make changes. But no major movement for reorganization of St. Paul municipal structure is to be expected again for a number of years. At least negatively, the voters have signified their satisfaction with the commission plan.

OHIO REVIVES ITS MUNICIPAL LEAGUE

BY F. R. AUMANN
Ohio State University

The resuscitated Ohio League will hold its annual convention in coöperation with the National Municipal League and affiliated associations in Cleveland, November 10–12. :: :: :: ::

THE state of Ohio, which is preponderatingly urban, has had an active rôle in the movement towards municipal improvement in this country. Its cities have never hesitated to scrap old forms if the adoption of new ones promised better things. The wide acceptance of the city manager plan in Ohio attests to this fact. An Ohio city, Dayton, was the first large city to adopt this plan. No less than twenty-one cities and towns in the state now have the manager plan.[1] This list includes the two largest cities in the state, Cleveland and Cincinnati.

With this rather pretentious record in municipal affairs, it seems strange that Ohio should lack a coöperative organization between the cities of the state. In twenty-eight states we have some form of a municipal league, rendering a very definite service to their member cities. The fact that Ohio is not included in the lot rendering such services is not due to a lack of effort. Several very definite attempts have been made to organize Ohio municipalities.

Back in 1912 when Ohio cities were fighting for home rule prior to the constitutional convention of that year, the first attempt to organize the cities was made. This was a time of vigorous action in Ohio municipal life, and with such stalwart crusaders as Augustus R. Hatton, Newton D. Baker, and Mayo Fesler (to list just a few of the men) working for the league, the movement was crowned with success. This first Ohio Municipal League continued to function until the war, when it was crowded out of existence in the rush of competing interests. Subsequent efforts made to organize the cities of the state did not meet with success. A decision of the Ohio Supreme Court declaring it illegal for cities to pay dues into a general organization of municipalities had fatal consequences and much good, hard work went for naught.

[1] Ashtabula, Celina, Cincinnati, Cleveland, Cleveland Heights, Dayton, East Cleveland, Gallipolis, Hamilton, Ironton, Lima, Middletown, Oberlin, Painesville, Piqua, Portsmouth, Sandusky, South Charleston, Springfield, Westerville, and Xenia.

ORGANIZATION AND OFFICERS

Steps recently taken in Ohio indicate that there is a new movement underway to revive interest in a municipal league. On June 20 a meeting of representative officials was held at Ohio State University looking towards permanent coöperation between the cities of the state. The meeting was well attended and those present were hopeful of securing results. Mayors of many of the smaller towns were present and practically all of the large towns were represented.

Mayor William T. Jackson of Toledo was elected president; City Manager F. O. Eichelberger of Dayton, vice-

president; and Mayor Arthur T. Schuler of Bucyrus, Mayor R. O. Bryan of Portsmouth, and Mayor Homer M. Johns of Massillon, trustees. Professor Harvey Walker was chosen as secretary-treasurer and headquarters were established in the political science department of the state university at Columbus.

These officers constitute an executive committee which was directed to report a plan of permanent organization to a subsequent meeting to be held in Cleveland in November, at the same time as the National Conference on Better City Government. This committee was empowered to appoint such committees as were deemed necessary in order to prepare a comprehensive municipal program for presentation to the November meeting. Five committees were appointed, viz: (1) Uniform Traffic Code; (2) Uniform Crime Reporting; (3) Taxation; (4) Revision of the Municipal Code; and (5) Legislation.

Before the league can be adequately financed some enabling legislation must be secured or this last attempt at municipal coöperation will be little more successful than previous ones. The officers of the league feel that there is a good chance that the law can be passed if the assembly can be made to feel that the cities want it and that the privileges conferred will not be abused. One of the tasks assigned to the new legislative committee will be that of drafting such a bill for presentation to the 1931 session of the general assembly. Pending action by the general assembly every city in the state of Ohio will be considered a member of this organization and entitled to all of its services. The department of Political Science at Ohio State University will undertake to perform these services during this period.

If favorable legislation is secured there is every reason to believe that the Ohio Municipal League (the name officially adopted) will render a useful and much needed service to the cities of the state. Convincing statements were made for concerted action on the part of the cities by many of the city officials who were present. The tentative program set up for consideration can be considerably enlarged without any great difficulty and undoubtedly will be when the cities become aware of the services available and present their problems. Martin S. Dodd, the Toledo city solicitor, after mentioning a number of benefits which would accrue from organization, spoke in favor of the league if it would do nothing more than secure coöperation between the cities in the matter of tax legislation.

The organization is in good hands. Several of its officers have had experience in the previous attempts that have been made in Ohio and Mr. Walker, its secretary-treasurer, who is largely responsible for its revival, has had experience in the municipal league field in Kansas and Minnesota.

NORTHERN NEW JERSEY SEEKS SOLUTION OF REGIONAL PROBLEM

BY SPAULDING FRAZER

Counsel to North Jersey District Water Supply and North Jersey Transit Commissions, Former Corporation Counsel of Newark

Northern New Jersey has a metropolitan government situation unique in this country. Radical measures for solving it have been recommended by the state regional government commission. They are here described by one who has had a long and intimate relation with past and present efforts to secure unified action. :: :: :: :: ::

THROUGHOUT the country the marked trend of the rural districts toward urban centers is raising daily problems of unusual importance and complexity. While at minor centers of population these problems are at times acute, it is still in most instances possible to bring about some adjustment to modern conditions by the extension of time-honored governmental machinery. Such, however, is no longer true of the great urban centers of the country and their surrounding tributary suburbs. At these centers the requirements in public works alone are so inter-related as to make it practically impossible for one municipal unit to act independently of its neighbors without great waste and inefficiency, while at the same time the multitude of individual political units is so great as to make coöperative undertakings more and more difficult of realization in fact. In no section of the country has this condition reached such appalling complexity as in the northern portion of New Jersey adjoining New York City.

CONTRAST WITH NEW YORK CITY

In the case of New York City itself, an effective machinery was developed by consolidating into one city and five boroughs the numerous cities, towns, and villages of independent existence at the close of the last century. The advantages of such consolidation, in the sphere of great public works especially, have been so obvious as scarcely to need pointing out. A great transit system has been created; tunnels and bridges have pierced or crossed the East River; the world's greatest water supply has been developed; while in the sphere of administrative activity unified police and fire departments have brought greater safety to the consolidated community, and unified health control has made possible the construction of hospitals, the protection of the milk supply, and the general inauguration of health measures so essential to great aggregates of population.

In New Jersey the picture is one of shocking contrast. Within its metropolitan area there are some three hundred municipalities of varying types, from the great city of Newark with nearly half a million inhabitants, through other major centers such as Jersey City, Paterson, Elizabeth, down through suburban towns and boroughs rapidly taking on the proportions of cities, to small boroughs and hamlets on the outskirts. Under existing law, no great public work affecting these

numerous municipalities can be undertaken without the assent of the affected municipalities, even through the instrumentality of district boards; while in the sphere of administrative organization no coördinating force whatsoever exists.

The unspeakable confusion which results whenever major undertakings are required and the efforts necessary to bring into harmony the discrepant and necessarily parochial views of an indeterminate number of commissions and councils need only to be adverted to, to be realized. Such, however, is the situation in that section. This condition is in no sense of recent creation, nor have its deleterious consequences to northern New Jersey been unappreciated by local students of municipal problems. In fact as long ago as 1907 when the intolerable condition of the Passaic River, due to its use by practically all of its bordering municipalities for the discharge of their sewage, had reached a point where towns along its shores were being depopulated and industries fronting upon it seriously handicapped, sufficient public sentiment was aroused, largely through the efforts of the City of Newark which lies at its mouth, to bring about the enactment of legislation creating a district with powers sufficiently broad to construct the sewer and to levy its cost upon the several municipalities lying within the district.

COURT DECISION FORCED RELIANCE ON INTERMUNICIPAL COÖPERATION

Had it not been for what many consider a highly technical construction by the Court of Errors and Appeals of New Jersey of the constitutional powers of the legislature to deal with a subject of this type, reversing a favorable decision of its Supreme Court, it is possible that sufficient impetus would have been given to the movement thus initiated to have brought into being some broad policy which by this time would have established a working solution of the problem. The court of last resort, however, held that the Passaic Valley Sewerage Commission was a mere administrative agency without true governmental power; and that the scheme of financing involved an unconstitutional apportionment to the several municipalities in the district, based upon their respective tax rateables, notwithstanding the fact that in certain instances only portions of such municipalities lay within the territory of the district; and that the scheme in effect granted to a commission appointive by the governor taxing powers constitutionally limited to the legislature.

The outcome was a compromise solution of the pending problem by the passage of amendatory legislation whereby the work was still left in the hands of the Passaic Valley Sewerage Commission, but its financing made dependent upon contract with the several municipalities lying in the sewage district. After a most discouraging proof of the fundamental inefficiency of so-called intermunicipal coöperation, a contract was at last drafted whereby the work was able to be carried on and the sewer was built. Inefficient and costly as this method proved, it did have a certain pragmatic value in that the sewer was eventually constructed. It is my belief that the decision in the Passaic Valley matter and its qualified success in practice brought about a serious check in the evolution to a true regional organization.

WATER SUPPLY AND COÖPERATION

A similar problem arose a few years later in the necessity of creating a new major water supply to serve certain of the municipalities in the region. Re-

lying on the precedent of the Passaic Valley case and without organization, notwithstanding the earlier decision, the draftsmen of the legislation for the new water development not unnaturally followed the line of least resistance and created the North Jersey District Water Supply Commission upon lines substantially those of the Passaic Valley Sewerage Commission. Lest the last remark may seem invidious in respect of the draftsmen of the water legislation it is perhaps only fair to add that I was one of them.

The water legislation having been adopted, a further example of the difficulties of municipal coöperation with eventual accomplishment in all respects, save as to the number of municipalities involved, analogous to the Passaic Valley situation, arose, and after negotiations which involved some ten municipalities and covered a period of from six to eight years, the Wanaque contracts with the North Jersey District Water Supply Commission were eventually signed by eight municipalities, and the work established on a basis which permitted the development of the full economic yield of the impounded streams.

TRANSIT, MEADOWS RECLAMATION, FLOOD CONTROL

With these more pressing regional projects in the course of compromise solution, the necessity for regional organization to deal with other great undertakings began to attract the attention of groups specifically interested. The first of these groups to receive legislative sanction was that which called attention to the intolerability of transit conditions between New Jersey municipalities and New York City. As a result, in 1922, by act of the legislature, a commission for the study of this problem, together with the related problem of intercommunication between cities of northern New Jersey, was established and took the name of North Jersey Transit Commission. New legislation in 1926 somewhat broadened the powers of this advisory board, but did not grant any construction powers.

By 1927 other groups had made their needs felt and a series of legislative commissions, all of an advisory type, was established. One, the Meadows Reclamation Commission, was charged with a consideration of ways and means for the development of the so-called Hackensack meadows, a large tract of waste lands adjoining the Hackensack and Passaic Rivers and bounding in part on Newark Bay, in which development through the past generation has been purely sporadic and very gradual. Another was the Flood Control Commission, charged with the study of flood conditions on the Passaic River, conditions which in the past had resulted in disastrous inundations, notably in the great flood which destroyed a large part of Paterson in the early part of the century.

Large appropriations were made to these commissions and reports of considerable value resulted. In its 1927 report the Transit Commission presented a comprehensive plan with considerable supporting detail not only as to the possibility of physical layouts by means of an inter-state loop connecting with an intra-state loop and tangential trunk lines for the moving of commuter passenger traffic from New Jersey into New York and for the creation of rapid transit intercommunication between New Jersey municipalities themselves, but also data respecting means of finance, the effect of transit on real estate values and the employment in other parts of the country in analogous major undertakings of some system of benefit assessment whereby in part the enhancement

in realty values might be made to bear the expense of transit construction with a resulting decrease in operative overhead reflecting in turn a decrease in rate of fare.

In addition to these matters there was included a study of the possibility of district organization along lines similar to those in the original Passaic Valley Sewerage act and departing from the plan of municipal coöperation through contract with a district agency established in both the amended Passaic Valley Sewerage act and in the Water Commission act. It was suggested that by the establishment of an elective board empowered in its discretion to undertake the construction of regional public works in a district, the geographic lines of which should conform with those of the municipalities or counties included therein and authorized to finance such projects by taxation either direct, through bond issues, or by means of benefit assessments or temporary local taxing districts, the constitutional objections raised in the Passaic Valley Sewerage case might be successfully avoided.

NO TRANSIT PROGRESS UNTIL REGIONAL GOVERNMENT IS ESTABLISHED

This report was followed by a further report in 1929, wherein the Transit Commission after further study came to the conclusion that a final planning of transit facilities, especially in relation to the interconnection of New Jersey municipalities was not feasible so long as other regional problems had not been solved. It became more and more apparent as the studies advanced that the transit problem specifically recommended to the Transit Commission for study was closely inter-related with all the other great regional problems, such as meadow reclamation, flood control, water supply and sewage disposal. The report, therefore, stressed the necessity for the creation of a district commission empowered to coordinate and carry on all of these major works as distinguished from a series of constructing commissions, the activities of which would be limited as heretofore to a single phase of public undertaking, and dependent financially on the whims of affected municipalities.

STUDY COMMISSION APPOINTED

Largely as a result of this report, I believe, the legislature of 1929 appointed a commission consisting of six legislators, three from the Senate and three from the House of Assembly, to serve with five laymen to be appointed by the governor of the state for the purpose of studying and recommending legislation along the lines suggested in the Transit Commission's report. This new commission, not organizing until late in the fall when the governor announced the lay members thereof, did none the less, somewhat well along in the legislative session, submit a number of measures largely dealing with the problem of police coöperation between the state department and local units, which were enacted, and finally submitted a report recommending the enactment of a bill, transmitted with the report, establishing a general works commission in each of four districts therein established. Of these four districts two were designated as "metropolitan," the North Jersey Metropolitan District consisting of eight counties in the vicinity of New York, and the South Jersey Metropolitan District comprising the territory in the vicinity of Philadelphia and centering at Camden.

The requirements as to the first of these were considered so urgent as to induce the drafting of legislation in such a way as to make the establishment of the district commission effective in that district at once the bill was

enacted. As to the remaining districts a referendum upon petition of the majority of the boards of freeholders of the counties situated therein was provided for, before the district machinery should become operative. Indications at the statehouse, however, upon the introduction of the measure were to the effect that the South Jersey Metropolitan District considered its problems sufficiently pressing to desire inclusion in the first class, were the legislation enacted.

The enactment, however, probably wisely, was not forced at the regular session of the 1930 legislature despite the fact that the committee recommending it included the president, majority and minority leaders of the Senate, and a senator who, in the preceding session had been a member of the Assembly, as well as the majority and minority leaders of the House of Assembly. It was felt that in so important a measure full consideration should be given and opportunity for public criticism afforded.

SCHEME PROPOSED BY COMMISSION

The scheme of the act is briefly as follows: That in each of the counties comprised within the district there shall be elected for a term of four years —rotation being provided by varying lengths of terms of those first chosen—a commissioner to sit upon the district board. To prevent the control of populous centers by the less populous counties, it was originally provided that action in all major projects should only be had upon a three-quarter vote of all the commissioners, while in purely local improvements within the jurisdiction of the commission, substantial veto powers were given to municipalities affected by the relatively local improvement, this veto being subject to over-ruling by a unanimous determination of the district commission.

This feature of the act has been severely criticized, and probably justly so. At a subsequent meeting of the commission the suggestion was made and tentatively adopted that the act as introduced should in this regard be amended so as to provide plural voting, each commissioner being entitled to cast upon any measure the same number of votes as there were Assemblymen representing his county in the House of Assembly. The three-quarter majority of the votes thus provided for and the veto arrangement were substantially continued. The powers granted to this commission thus established were very broad in regard to the type of work which might be undertaken, being originally defined so as to include all public works of a type which a municipality might be authorized to undertake within its boundaries provided that the proposed works should affect more than one municipality. This broad general definition likewise was considered as too all embracing, and has subsequently been curtailed to include a relatively few major projects such as those above enumerated, to wit, water, transit, reclamation, flood control, and sewage. The commission also discussed the advisability of including among the administrative powers to be granted to the commission control over police, fire and health matters in their district aspects. It was felt by many that, especially in regard to the police and fire departments, a great inefficiency and extravagance resulted from the existing necessity of establishing separate departments of this kind in the three hundred or so individual municipalities within the Northern Metropolitan District, and that the coördination of these functions throughout the district would permit of a decrease in the total number of men and the total amount of apparatus employed,

while affording greater protection through every part of the district. After much discussion, however, it was deemed advisable to limit the scope of the present organization to that of essentially a works commission.

The powers thus granted for the undertaking of public works may, under the terms of the bill, be initiated either by the commission itself or upon application of municipalities or counties desiring them. Broad powers were given to the commission to construct works and to contract with groups of municipalities or counties, and full powers of finance by direct taxation, by bond issues, by benefit assessments and by the establishment of local taxing districts were included.

BILL WILL BE CONSIDERED AGAIN IN 1931

Such then is the situation toward regional organization for the metropolitan section of New Jersey. The act as drafted has been considered by eminent counsel and has been generally conceded to be constitutional in its more important phases. Some question has been raised as to the constitutionality of local taxing districts to defray the expenses of relatively local improvements in whole or in part, it being thought that perhaps such local districts would be in effect zones of benefit and subject to taxation only by strict adherence to the theory of benefit assessments. The great complexity, however, of a practical administration of the benefit assessment theory in instances affecting large numbers of properties, the difficulty of ascertaining justly the benefits accruing, to say nothing of the tremendous size of assessment rolls, led the commission to the conclusion that the local taxing district method should at least be attempted in order to ascertain its constitutionality. In including this scheme, the benefit assessment plan was retained so that should question as to the constitutionality of the former arise, the latter might be fallen back upon as a secondary line.

The bill, whether in its present form or with some modifications in the more or less moot points, will undoubtedly come up for consideration at the next session of the legislature. Whether, in view of the political situation in the state due to the approach of the gubernatorial election in the fall of 1931, action will be taken upon it at that time still remains to be seen. It is, however, quite obvious from the interest which the bill has already aroused that the public mind is being directed to the necessity of some such solution, and I believe it may be fairly prophesied that within a very short period of time New Jersey will be in a position under its statutes to carry out major projects under the direction and upon the initiation of some such governmental agency. Whether the agency proposed is the best that can be obtained under existing conditions, whether modifications in the structure of the commission and its manner of choosing will later be made, actual experience alone can demonstrate.

WHY SOME CITIES HAVE ABANDONED MANAGER CHARTERS

I. DEFECTS IN MANAGER CHARTERS

BY ARTHUR W. BROMAGE
University of Michigan

This is the first installment of a study of the reasons for the abandonment of manager charters in seventeen cities. The concluding installment will appear later. :: :: :: :: :: :: :: ::

THE cities which have abandoned city manager charters fall into no ready-made classifications. By predominant characteristics, however, the cities whose council-manager charters are no longer in existence can be divided into three major groups.

I. The first group of cities includes those in which defects in the specific charters or disadvantages inherent in the manager plan itself led to its failure.

II. The second class embraces municipalities which lost their manager charters through circumstances which were largely extraneous to the plan itself.

III. The third group comprises cities in which the manager plan was given a very brief trial under political conditions prejudicial to its success. These cities had the plan by letter, possibly, but never in spirit.

While the cities may be so classified into groups, each one is a separate problem in itself.[1]

GROUP I

DENTON, TEXAS

The city manager, home rule charter of Denton, Texas, took effect in April, 1914. It provided for the election of a commission with authority to select one of its own number as its presiding officer. The commission had power to appoint a manager who had the title of mayor and served as chief executive of the city. It appears that the designation of the manager as mayor, and the granting to the manager of all powers of chief executive was a serious defect in the Denton charter. It made him in effect a mayor-manager picked by the council The electorate soon became jealous of the selection of their chief executive by the council. Consequently, they voted on July 29, 1919 to amend the charter so as to provide for the direct election of the manager. As a prominent business man puts the case, "the majority wanted to have a voice in the selection" of their chief executive.[2]

Various opinions as to the abandonment of the manager plan in Denton

[1] The cities will be classified as follows: Group I: Denton, Texas; Waltham, Mass.; Santa Barbara, Calif.; Albion, Mich.; Wheeling, W. Va. Group II: Collinsville, Okla.; Lake City, Tampa, Fort Myers, and St. Cloud, Fla.; Dearborn, Mich.; Missionary Ridge, Tenn.; Michigan City, Ind. Group III: Hot Springs, Ark.; Lawton, Okla.; Nashville, Tenn.; Akron, Ohio. The town of Ludlow, Vt., abandoned the manager plan in 1929 (Letter from the town clerk, July 10, 1929).

[2] For obvious reasons, it is impossible to give the actual sources of many opinions expressed in letters to the author.

are suggested by residents and officials. The mayor attributes the change to the fickleness of the electorate. A resident points out that "the duty of appointing officers was upon the manager and dissatisfaction over his selections seems to have caused the change." Another holds that some of the people "who wanted a word in everything that had to be done . . . succeeded in getting the manager form recalled." From a lawyer comes this analysis: "The city manager plan did not fail in Denton. At the time of its adoption the city was in sore straits. . . . City scrip was outstanding. . . . After the adoption of that plan the scrip was soon retired at one hundred cents on the dollar, improvements were made within the city. . . . But on account of the jealousy of the electorate the charter was amended."

It seems unwise to criticize the electorate in this instance. The charter provisions that designated the manager as mayor and made him the chief executive of the city left the people without a political leader directly elected by them. This they justly resented. As a result the charter was amended to provide for the direct election of the manager and Denton was dropped from the official list of manager cities.

WALTHAM, MASSACHUSETTS

Exercising its power under the general optional act of Massachusetts, Waltham in January, 1918, put into effect Plan D, the city manager form.[1] In November, 1922, the people voted to return to a mayor-council form of government. There is no question of the honesty or efficiency of the officials who were chosen under the manager plan in Waltham. The chief criticisms are directed against the plan itself and particularly against its tendency to autocracy.

"No criticism," writes a prominent official of Waltham, "could fairly be made of the personnel or officials acting under our city manager plan. They were men of character and repute." No better testimony to this end can be produced than the fact that city manager Henry F. Beal was subsequently elected as mayor many times. "The chief criticisms in Waltham were that the manager plan was autocratic and the council not adequately representative of the wards nor sufficiently inclined to make public discussion of important matters."[2] This same arraignment appears in the statement of a mayor of Waltham: ". . . representative government is the best yet devised by man and . . . covenants should be openly arrived at. There is too much secret work about the manager plan."

There is another side to the story. Former manager Henry F. Beal has explained that the supporters of the manager government "considered the plan so firmly installed that no campaign was undertaken in opposition to the proposal to return to council-mayor form of government. This coupled with a failure to vote on the part of a large number of the satisfied citizens resulted in a change."[3] The blame for the defeat of the manager plan has also been allocated "in part to opposition to certain major projects proposed by the council, and in part to its unpopularity with the politicians." From another city manager of Waltham comes a similar view. He maintains that the manager form was lost because of the "minimum interest of

[1] R. T. Crane, *Digest of City Manager Charters.*

[2] T. A. Nettleton, Cities Record Satisfaction with Managers, *Christian Science Monitor*, April 26, 1928.

[3] *City Manager Magazine*, Vol. 5 (Feb. 1923), p. 37.

good citizens and maximum activity by ousted politicians. . . . However, when the people realized their mistake . . . they overwhelmingly put the city manager in as mayor and reëlected him for seven terms thereafter."

While the downfall of the manager plan in 1922 can be laid at the door of an organized opposition and disorganized supporters, there is a more fundamental question at stake. If the people realized their error in 1922, why has there been no concerted movement to return to the manager form?[1] It is apparent that the citizens of Waltham liked the officials under their manager government better than the plan.

SANTA BARBARA, CALIFORNIA

After nine years of operation city manager government in Santa Barbara, California, was concluded in 1927.[2] The manager type was established by a home rule charter in January, 1918.[3] Opposition to the city manager plan multiplied upon a number of contributory factors. In the opinion of a former manager, "the city manager plan was abandoned in Santa Barbara because of politics stimulated by the local press for a period of several years. . . . The real purpose of changing the charter was . . . to get the present council out of office and remove the president of the park board and also make certain changes in the planning and harbor commissions."

A citizen gave five basic reasons for the abolition of the manager plan and the return to a mayor-council government: "(1) Mental condition following the quake. (2) The fights between newspapers. . . . (3) Very strong feeling in one considerable section of the city over a drainage system that bore rather heavily upon those assessed. (4) Two unpopular men: One in the park board and one in the school department. (5) Ill feeling aroused among labor union workers over the employment of non-union laborers in the reconstruction of school houses."[4]

In telegraphic style a business man outlines the evils of manager government in Santa Barbara: "imported personnel; incompetency of managers; general dissatisfaction and overturning of the charter resulting from conditions that arose after earthquake of 1925." A more extended review of the shortcomings of the manager plan is given by one of its leading opponents in Santa Barbara: "The elimination of politics from city government did not take place. . . . In the effort to put business into government, the machinery of the city administration was pushed away from the people. . . . In the last analysis, the council and not the manager was the city government. That meant that all of the politics which the manager system was supposed to drive out was retained in obnoxious form. . . . We demonstrated to our own satisfaction at least that there is nothing in the title of manager that puts magic into city government. . . ."

The charter of Santa Barbara provided the legal basis of these complaints against the city council. To

[1] Under the laws of Massachusetts when an optional plan of government is adopted by a city, it must continue in effect for at least four years after the beginning of the terms of office of the officials elected thereunder. Massachusetts, *General Acts* (1915), Chap. 267, sec. 13. This waiting period has, of course, elapsed and Waltham could now legally return to manager government if the residents so desired.

[2] A mayor-council charter was adopted on November 16, 1926, by a vote of 3452 to 2186. *Public Management*, Vol. 9 (Jan. 1927), p. 63. It took effect on June 1, 1927.

[3] R. T. Crane, *Digest.*

[4] International City Managers' Association, *The City Manager Plan of Government* (pamphlet, March 1, 1929), p. 13.

begin with the councilors had four-year terms overlapping. As a result, "it required years to change the complexion of the council unless a recall was had," and this, in the opinion of one opponent, was a serious defect. In addition, the council had the power to select the assessor, auditor, clerk, police judge, tax collector, treasurer, board of education, board of park commissioners, and library trustees. The failure of the manager plan was attributed in part to the unpopular men on the park and education boards and in part to policies in the reconstruction of school houses. These were matters for which the manager was not responsible. The concentration of so much appointive power in the hands of the council proved to be a major defect in the manager charter of Santa Barbara.

ALBION, MICHIGAN

Albion in 1915 joined the ranks of Michigan cities that put faith in the city manager plan. In the thirteenth year of its operation in Albion the manager charter was amended so as to eliminate the manager by the close margin of thirty-three votes. From men who have been or are now closely in touch with the political pulse of Albion comes the following diagnosis of the patient's condition. The abandonment of the manager plan was due to: "local politics"; "political engineering" on the part of one who now holds high office in the mayor-council government; "a certain faction of people believing that taxes would be lower"; the insistence of the mayor that "strictly administrative functions should not be retained in the manager's office"; and "continual 'pecking' at the city manager form by its opponents, continual criticism of city managers from the same source, undiplomatic moves by some of the managers and possibly a few mistakes."

These facts are established beyond question. Albion suffered from the failure (intentional or unintentional) of the mayors elected under the manager charter to understand their place in the mechanism. Mayors, both early and late in the thirteen years of the manager government, encroached upon the functions of the managers. Again, Albion tried to save by paying small managerial salaries. A movement late in the period of manager government to raise the salary of the manager from $2,400 to $2,500 met with considerable opposition. It is no reflection on certain able managers of Albion to say that the success of the plan there was imperiled by less able managers and their political connections.

The last mayor under the city manager charter became the first mayor under the amended charter which was approved by the voters on April 2, 1928. To this public servant the movement to amend the manager charter is often attributed. They say that the campaign was carried by the slogan that a reduction in taxes would follow. The tax rate has not changed, but there is a prospect of a general increase in valuations to provide additional revenue.

The charter amendment of 1928 gave Albion a ward-elected council. Each department, with the exception of the department of public affairs headed by the mayor, is under the superintendence of a councilman. This is surely a reversion to the American dogma that any man can govern. It is unfortunate that the clash between mayors and managers in Albion on the subject of administrative powers could not have been settled without a change to mayor-council government.

WHEELING, WEST VIRGINIA

On May 27, 1915, the people of Wheeling, West Virginia, had pre-

sented for their approval two charters. One, the Greater Wheeling Charter, provided for a city manager form of government. The second, known as the City Hall Charter, called for a mayor-council government. The latter was an amended charter hastily arranged by city officials after they learned of the plan determined upon by the Greater Wheeling Committee. The city manager plan was adopted and took effect in May, 1917.

Twelve years later the charter was amended so that the manager formerly appointed by the council was replaced by a manager-mayor elected by the people for a two-year term. Accordingly Wheeling was dropped from the roster of city manager cities. It became one of our so-called manager-mayor cities. In the opinion of a former city councilor the change to an elective manager-mayor was due to dissatisfaction with the council's methods in selecting managers. "The outstanding objection," he writes, "to the manager plan . . . was that immediately after the election of members of the council there was a scurrying about to get a group sufficient to elect a manager. That group would then dominate the manager and all city appointments, and some of the stories told about the deals entered into to secure votes for the manager indicate that it was a very bad situation."

An official who ranks high in the present municipal government tells much the same story, namely that the people were unwilling to trust the council with the selection of the manager. In his own words: "It seems that some of our citizens felt that the city manager should be elected by the people and in that way he would not be dependent upon the council." A member of the state legislature holds a similar view: "The majority (of the councilors) would get together in secret caucus, divide up all appointments among themselves, and then propose to some party to elect him city manager if he would dispose of the offices as they dictated."

Wheeling chose to change the form of government putting the selection of a mayor-manager in the hands of the electorate. It appears that popular distrust of the selection of a manager by the city council was justified.

Summary of Group I

Out of this group of cities several warnings as to city manager charters and their operation arise. Denton demonstrates the futility of designating the manager as mayor and making him the chief executive of the city. There is too great a possibility of the manager's becoming a political leader. The inevitable result is to subject the manager to direct election by the people. Waltham is a caution, since it shows that the criticism that the manager plan is autocratic may seriously imperil a manager charter. The episode at Santa Barbara reveals the pitfalls of vesting great appointive powers in the council. Albion demonstrates more than anything else, the actual possibility of friction developing between mayor and manager. Wheeling discloses what a politically-minded council can and will do to the manager plan.

(*To be continued*)

CITY PLANNING IN SOVIET RUSSIA

BY BERTRAM W. MAXWELL
Washburn College

Urban land policies in Russia are complicated and their administration is molded to conform to the peculiar organization of the Soviet State. More than one hundred cities have already worked out definite city plans to be followed by new construction. :: :: :: :: ::

THE Russian cities of modern times have never known the self-government status of Western European and American municipalities. The history of the Russian city is a struggle for at least a vestige of self-rule, which it has never succeeded in attaining. On the eve of the Revolution of 1917 the municipalities of Russia were in the iron grip of the autocratic central government. The short-lived and pathetic provisional government attempted to introduce Western European municipal practices, which were nipped in the bud by the onrushing storm of the Bolshevic revolution. It would be out of place to recount here the struggle and tragedy of the Russian city in the intervening years between 1917–1925, years of invasion, anarchy, starvation. But like the phoenix, the Russian city is risen from the ashes. Municipal life is still under the rule of the central authority, to be sure, but an authority radically different from the old one, and exercised under conditions which challenge the imagination — mass rule manipulated by a determined minority.[1]

Before the revolution city planning in Russia was given little attention. Since the revolution a vast amount of work has been done in the field of systematized city planning. City planning in Soviet Russia, which is tied up with the general scheme of socializing economic and civic life, can be traced to the promulgation in the uncertain days of 1922 of a Land Code which theoretically nationalized all land and provided for the distribution of land. Subsequent legislation modified the original provisions of the code and the law, as it stands now, recognizes only three types of land users: (1) individual or union tillers of soil; (2) the urban population; (3) state institutions and undertakings. All the rest of the land held by any other class comes automatically under the jurisdiction of the Commissariat of Agriculture, which may use its own discretion as to the grant of land to the authorized classes and categories of land users in accordance with legal provisions. Hence, the land on which cities are located is designated urban land, and the title is vested in the city population and may be granted for use by it to persons and organizations in accordance with legal provision.[2]

CITY TERRITORY

The Land Law defines urban territory as one unbroken area, separated from adjacent neighboring territory by the city boundary lines. It adds, how-

[1] For a description of the city before, during, and after the Revolution, see B. W. Maxwell, Municipal Government in Soviet Russia, NATIONAL MUNICIPAL REVIEW, Nos. 162, 163, 164.

[2] Urban land utilization, like any other activity, is controlled by the central government. See O Zemlinich Poryadkach v Gorodach.

ever, that in city territory may also be included all lands adjacent to the urban boundary, occupied or vacant, which were under the jurisdiction of the city soviet (municipal administration) as of August 1, 1922.[1] Furthermore, all lands adjacent to, but outside, the city boundary lines, provided they are not in actual use by tillers of the soil or workers' organizations, may be attached to city territory. All these specified lands then make up the city domain, without regard to present use or previous ownership, save for the exceptions noted. On the other hand, scattered plots, which in the past were claimed by municipal corporations, may not be annexed by the city in question; conversely, separate plots adjacent to city boundary lines, provided they are not in actual tillage by peasants or in use of workers' organizations, may be taken over by the municipality. This does not, however, apply to that part of state land which has been reserved to the jurisdiction of the Commissariat of Agriculture or its tenants, and was not considered urban territory prior to the promulgation of the Code.

The above mentioned law also provides that certain rural settlements are to be included in city territory provided: (1) that they were a part of the city domain prior to 1917 and that city authorities deem it necessary to retain them under their jurisdiction; (2) that they have ceased to be a part of the Volost (cantonal) soviets by reason of city annexation as of August, 1922.[2]

THE CHANGE OF BOUNDARIES

The Land Code, the various instructions and decrees of central authorities, and the city planning project worked out by the State Planning Commission (Gosplan) provide for the change of city boundary lines in order to extend the territory of cities under the following conditions: (1) in cases where the increase of population demands an extension of urban territory to satisfy

[1] It is interesting to note the meaning of the legal provision in regard to land under the jurisdiction of city soviets. The special decrees of the Commissariats of Agriculture and Interior, issued July 18, 1923, in connection with the promulgation of the Land Code, explicitly stated "that all those lands are to be considered under the jurisdiction of city soviets and included in urban domain which are given over to the use of the city population in general and various coöperatives or organizations by the order of the city soviet or its organs. . . . In it is also to be included lands which were subject to municipal taxes and assessments prior to August 1, 1922." In addition all lands, which were used for parks, greens, etc. On the other hand, "city plots which are in use by city dwellers for agricultural purposes, meadows, pastures, truck gardening by permission of city soviets, are not included in city territory, if they were made use of for such purposes prior to August 1, 1922."

Some of the instructions are not quite clear and are contradictory, as they take for granted the existence of municipal organizations throughout the existence of the soviet régime. As a matter of fact, very few cities had special municipal governmental organizations prior to 1925. See Chugunov, *Gorodskiye Sovety*, pp. 157–158, and B. W. Maxwell, Municipal Government in Soviet Russia in National Municipal Review, *Loc cit.*

[2] This provision complicates the situation, since certain agricultural lands adjacent to new urban centers, though outside of the city limits, were subject to city authorities, yet under the new ruling the lands may still be used by municipal agencies and remain a part of Volost territory. It also may be noted that prior to 1927 city boundaries in many urban communities had not been determined at all. To be sure, by the decree of December 7, 1925, the All-Russian Executive Committee and Council of Peoples' Commissars, all municipalities in Soviet Russia proper were ordered to establish boundary lines by January 1, 1929. Compliance with this decree was, however, retarded by litigations on the part of users of agricultural lands opposed to city annexation.

the need for additional building of dwelling places; (2) for the purpose of city welfare by means of extension of playgrounds, parks, water supply, lighting, sewerage, and other services of public welfare; (3) in cases where the movement of population has extended beyond the city limits to form a suburb in fact, if not at law. But under no circumstances may annexation take place for the purpose of increasing city revenue by renting lands for agricultural purposes. The legal provisions stipulate that lands outside of city limits in the use of city dwellers for agricultural purposes may be retained by them in that use, if the users organize themselves in land coöperatives, but the lands of these coöperatives and the organizations themselves are subject to the jurisdiction of cantonal authorities; the members, however, retain the right to take part in city elections and are excluded from exercising the cantonal franchise. The consequence of these provisions is that part of utilized agricultural lands remain under the jurisdiction of the city and parts under the authority of cantonal organs, and the coöperatives are subject at the same time to city and cantonal authority.

CONTROL OUTSIDE CITY LIMITS

The law permits cities under certain circumstances, independently of change of boundaries, to formulate rules and plans for building on lands outside the city limits in order to prevent sporadic construction which might be in time annexed to city territory. From the date of passing and publication of these rules and plans, settlers are forbidden to erect new buildings contrary to these specifications and rules, except temporary and summer structures and additions to buildings already erected. Furthermore, the law grants city soviets considerable authority by the provision that "all lands within the city limits, with forests and greens, city natural resources, beaches and waterfronts within those limits, in whatsoever use they may be, with the excepton of lands exempt (which will be named directly) are under the direct jurisdiction of executive committees[1] through the agency of the organs of local administration."[2] A provision of the same law stipulates that exemptions of new subdivisions (excepting land already exempted) from city authority may only be granted in case of state necessity by the authority of special provision of the All-Russian Executive Committee and Council of Peoples' Commissars.

The following categories of properties are withdrawn from the jurisdiction of municipal organs and transferred to the various appropriate Peoples' Commissars:[3]

(1) Sites which are occupied by railway right of ways, stations and terminals, sheds, warehouses, shops and barracks, etc.;

(2) Territories of commercial ports, docks, wharves, lighthouses, etc.;

(3) Docks and wharves for river traffic which are directly under the jurisdiction of the Union-Commissar of Communication;

(4) Real estate used for building of canals, dams, levees, and other hydrotechnical works;

(5) Lands used in connection with development of state natural resources under the jurisdiction of central mining authorities;

(6) Military and naval reservations

[1] See B. W. Maxwell, Municipal Government in Soviet Russia, NATIONAL MUNICIPAL REVIEW, January, 1930, p. 34.

[2] This provision, however, is somewhat obsolete, since it was passed on April 13, 1925, previous to the last municipal decree.

[3] Any disagreement is settled between various interested parties and the provincial executive committee.

under the control of the federal government;

(7) Sites used for national and local sanatoria.[1]

SUBDIVISION OF URBAN LAND

All city land is divided into three categories: residential sites, land for public use, and sites for industrial districts.

Residential sites are divided into lots in accordance with accepted projects of city planning.[2] However, if the amount of land assigned to residential districts exceeds by half the extent of territory provided for in the instructions of the Commissariat of the Interior for such purposes, the remainder of the land may be requisitioned by the city. In the distribution of territory for various subdivisions, the concentration of population in a given district, the economic character of the population, the character and type of local buildings, topographical peculiarities, and the sanitary and other conditions of the entire city in general and separate districts in particular must be considered.

The planning and widening of streets and squares and other places of public use, and laying out of new streets are executed in accordance with planning projects. The city soviets are empowered to correct and alter lines of built-up sections and thoroughfares when the lines are broken, uneven, or present other inconveniences from the standpoint of planning or sanitary utility, provided this reconstruction involves no more than 10 per cent of the district and does not necessitate the tearing down or transfer of buildings. All misunderstandings are settled by the provincial executive committee. The technical rules for planning, mode of execution, and the norms for the distribution of residential districts are regulated by special rules of the State Planning Commission (Gosplan). In the case of cities which previously did not have definite planning regulations, or whose plans had been disregarded, an exact survey of city territory becomes necessary, to be

[1] The authorities under whose jurisdiction the above properties are placed must come into agreement with municipal authorities in regard to measures of public welfare, such as fire prevention, sanitary rules, etc. All misunderstandings are decided by the Commissar of the Interior.

In cases of certain lands set aside for local or state institutions, coöperatives, etc., the municipal bodies are limited in their authority by certain provisions. From the above it is clear, therefore, that certain sites of city lands may be held by general legal provisions, by special regulations of central authorities, by local ordinance, and by agreement between municipal authorities with the users of the land.

[2] In this connection it may be said that at present model apartments for working men are being erected in cities all over Russia, especially in the so-called new industrial cities such as Bolshoe Zaporozhye. The plans, if carried out on a large scale, would require large amount of expenditure which the government is not able to advance at present. Hence, to meet the general housing shortage in cities and large towns, a decree was issued by the central government in 1927 providing for the erection by individual workers of houses which cannot be used for profit through sale or lease. Funds have been set aside in municipal banks distributed by housing coöperatives, and building materials may be obtained by workers through central or local housing coöperative associations. The builder must make an initial investment of 30 per cent of the total cost of the building and comply with certain minimum standards established by the State Planning Commission. Loans are not to extend over a period of ten years. The land upon which the houses are erected is leased for a period of 50 to 65 years. The building of apartments for groups of four to five families is also encouraged.

The time limit for which land may be leased is set in order not to interfere with the future expansion of the city and carrying out of plans which may call for the use of the occupied land.

followed by the formulation of an exact plan of city building.[1]

Vacant lots in built-up districts must be left to the use of those persons and institutions which occupy the adjacent buildings. The transfer of those lots to other persons or institutions may take place only by a sublease, after a previous agreement with the city authorities in accordance with established rules. With the transfer of buildings, however, also goes the land. In case of fire or other catastrophes the tenants of the destroyed buildings retain the use of the land on condition that they rebuild within a period of three years.

Thoroughfares, such as squares, roads, boulevards, parks and gardens, which are used for rest, amusement and educational purposes by the city population; cemeteries;[2] dumping places for snow and garbage; and streams, lakes and bathing beaches within city limits are considered public places to be used by the entire population. The use of this public territory may be free or on a fee basis. Parts of public squares may be rented out for trade; the law, however, limits such leases to a short period of time and on condition that they do not interfere with the use of the necessary space by the general public.[3]

All other lands under the jurisdiction of the city, such as forests, quarries, and lands of agricultural character including fields, meadows, pastures, truck gardens and orchards, are considered city domain and may be managed directly by the city authorities or leased to private individuals or organizations, or may be given for use free of charge in accordance with the regulation of city soviets. The development of natural resources within city domain is permitted in accordance with rules passed for this purpose by the central mining authorites. Without the permission of the central authorites, the city soviets may extract from the soil only building materials, such as rock, sand, lime; for the development of mineral resources is retained by the nation at large.

The development of agricultural lands under the jurisdiction of the city may be undertaken subject to the following conditions: The lands must be divided into sections the size of which will depend upon the character of the soil and the crops to be raised; the distribution of water necessary for irrigation; the type of agriculture which would serve best the purposes of a given city; and other special needs and peculiarities of the city and its agricultural lands. The redivision of the land already under tillage by private persons or institutions is carried out in accordance with the survey of city domain with due regard to past irregular divisions, improvement of thoroughfares, and general betterment of city territory. This, however, does not apply to lands which are directly managed or leased by city soviets.[4]

RUSSIAN CITIES PROGRESSING

As indicated in the introductory paragraph, city government as well as government generally in Russia is still recuperating from the misery of civil war, intervention, and anarchy. It can readily be seen by any observer that Russia is groping her way to

[1] More than a hundred cities in Soviet Russia have already worked out definite plans which are followed in carrying out new constructions.

[2] The city may charge for lots in cemeteries.

[3] The project of the State Planning Commission calls for removal of industrial plants to the outskirts of the city. Whereas this is frequently impossible in the case of old cities, it is followed in the planning of the so-called new cities.

[4] The conditions of lease and payment for the same are governed by rules of the Commissariat of the Interior. See Chugunov, *Gorodskiye Sovety*, p. 168.

democracy, a democracy radically different, to be sure, from the accepted western conception. The central government is still laboring under the psychosis of counter-revolution and intervention; hence, their fear of permitting local self-government, which results in constant interference and regulation of details of local economy, that could far better be left to the municipalities themselves. It is, nevertheless, only fair to state that the Russian cities are awakening and planning a brighter future for their inhabitants. Modern improvements are being installed in workers' quarters and greens and playgrounds are provided for sports and games. Between 1923 and 1927 over half a billion of rubles were expended in reëstablishing public services destroyed in revolution and civil war, and new public service systems have been established in thirty cities. Before the revolution only 15 per cent of the cities in Russia had public lighting systems, and only 10 per cent had electric illumination, the remainder using kerosene or gas; to date 90 per cent of the larger cities in Russia have installed electric lights. The fire-fighting apparatus in the more important municipalities has been motorized. The telephone and municipal transportation have been improved and extended and plans are underway for the construction of a subway in Moscow, the first in Russia. Without seeming unduly optimistic, no fairminded observer can deny that every attempt is being made in Russia to overcome great difficulties and that in many instances the struggle is successful in spite of the unwieldy and top-heavy soviet administrative apparatus.

RECENT BOOKS REVIEWED

CORPORATION CONTRIBUTIONS TO ORGANIZED COMMUNITY WELFARE SERVICES. By Pierce Williams and Frederick E. Croxton. New York: National Bureau of Economic Research, 1930. 347 pp.

Here is a profound, thorough and thoughtful study of the science of giving, as related to corporations and social service work. It answers a number of questions which have caused discussion and hesitation. For instance, the fear that corporate giving would discourage or relieve individual giving. The facts of experience seem to demonstrate that the contrary is true. The efforts necessary to enlist corporate gifts result in spreading and intensifying individual interest. It raises new questions: for instance, what will be the plight of welfare organizations which have learned to depend largely on corporate gifts for current maintenance when earnings of corporations in times of widespread financial distress fall below the profit line; will they not find themselves, so to speak, "out of work," along with the other unemployed—unable to raise their accustomed budgets when they most sorely need them? It exhibits new factors in charitable finance: for instance, the growing importance of great national corporations with branches in many cities, in charge of more or less temporary representatives; hence the necessity of negotiating with these corporations on a national scale in order to secure equitable gifts for local community purposes. The study will furnish much food for thought and for further investigation on the part of economists, sociologists and philosophers, as well as finance committees and campaign directors who seek immediate results.

When one first turns the pages of the book and observes how much space is given relatively to one system of money raising, he is likely to feel that it was prepared primarily for the benefit and use of community chests. And so, perhaps, it was. But as one reads the book he must admit that the special treatment was not only justified but was quite inevitable. The community chests have made facts available, have for the first time furnished sufficient data to make an intelligent and comprehensive study of the subject feasible. The authors are in error, however, in seeming to infer that, except for the single efforts of the Y. M. C. A., corporation giving was practically unknown before the World War. The charity organization society movement might have been credited for leadership in developing a sense of community solidarity and community responsibility for social needs, which for fifty years had been slowly but continuously permeating the consciousness of corporations, as well as individuals. The public health movement and the leisure-time activities movement had become important parties to this also, and all these and others had been making successful inroads into the field of corporate gifts for at least twenty years before the war. They had merely scratched the surface of practical possibilities, it is true. The war charities and war chests pried loose the lid and the community chests kept it open. One wishes that the study might have gone more comprehensively into the field of non-community chest charitable financing. Nevertheless, this is the best book on charitable finance which has appeared in this generation of intensive campaigns and large gifts.

FRANK D. LOOMIS.
Secretary, Chicago Community Trust.

LOBBYING. Edward B. Logan. Philadelphia: Supplement to Volume CXLIV of the *Annals of the American Academy of Political and Social Science*, July, 1929. 91 pp.

The author deserves high praise for this comprehensive yet concise and orderly presentation and interpretation of the facts and significance of a political practice which has become all but a legislative institution in the state and national governments of the United States. The monograph is especially in point at a time when a committee of the United States Senate has been engaged in an investigation of the congressional lobby, and it affords the necessary concrete background for an adequate estimate of the nature of a serious problem confronting popular government.

In Chapter II, "Evidence of Lobbying Activity" Dr. Logan reviews the records of the New York Insurance Investigation, the lobbying accompanying the enactment of the Pure Food Bill of 1906, the results of the congressional investigation of 1913, and the activities of tariff advocates,

railroad organizations, the anti-saloon league, the public utilities, and other agencies interested in the work of legislatures. He concludes, "The 'third house of Congress' is no myth—it is a strong, real part of our governmental system."

The next chapter surveys the organizations engaged at present in lobbying activities, describing particularly the United States Chamber of Commerce, the Farm Bureau Federation, and the American Federation of Labor. Methods of lobbying are analyzed in Chapter IV, where the author expresses the belief that the lobby is the chief source of information for legislators, albeit this supply is biased information. The most effective lobbying is said to be done through indirect methods, namely, inducing constituents to bring influence to bear upon legislators, determining the choice of legislators, and moulding the opinions of constituents.

The attempts to regulate lobbying are summarized and evaluated in the next chapter, and the last dozen pages present the author's conclusions. He does not find the lobby valueless, nor by any means altogether an evil. Indeed, for those whom it represents, and sometimes for all who read the newspapers, it tends to perform the services which Walter Lippmann deemed essential to an effective public opinion, if such there may be. But just plain citizen John Doe is left pretty nearly out of account. The citizens who merely vote, the once "active" citizens, tend to fade out of the picture of the population which presents itself to legislators. "Active" citizens now must elect representatives and then join organizations designed to assure their members that their representatives represent them.

Ralph S. Boots.

University of Pittsburgh.

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Planning and Control of Public Works. The Report of the Committee of Recent Economic Changes of the President's Conference on Unemployment, including the Report of Leo Wolman of the National Bureau of Economic Research.

The latest report of the Committee on Recent Economic Changes, embodied in the book "Planning and Control of Public Works," is significant not only for its timely appearance, but also for its abundance of factual data and the importance of its conclusions. In the endeavor to determine the real place of public construction in a program of economic stability and to obtain a basis for a program of control, the committee employed the Bureau of Economic Research to make a factual survey of this subject.

Although its conclusions are clothed in general terms, the committee presents a definite idea of a place for public work in a program of business stabilization. In harmony with other recent studies, it concludes that public construction, if purposely controlled, would be "an appreciable factor in restoring reasonable economic balance." The committee, however, hastens to add that "it is only one factor." The efficacy of public work as a factor lies not so much in "withholding expenditures of public construction during years of prosperity" nor in "initiating new undertakings," but rather in skillfully expediting at the correct time "work on projects already planned." The committee thinks that the "amount of public construction" is not as consequential as the timing of the acceleration and gives much importance to the optimistic psychological effects which a well-timed acceleration of public construction would generate. Although the importance of the "amount" of public work is somewhat minimized, it is carefully stated that "long range planning and budgeting are necessary if the full value of public works as a stabilizing influence is to be developed." Such long range planning and budgeting are of importance not only for the release of purchasing power they would bring, but also for their attendant administrative machinery—city planning commissions, bureaus of municipal research, and special county and state committees—which could be used to effect a "timely" acceleration of public construction.

The committee sensed clearly the real difficulty involved in gauging a "timely" initiation of public work and suggests that the recently created division of public works improve and provide the necessary data. However that may be, it is clear that the "timely" initiation of public work is not intended to be based solely upon objective data: a "zone of tolerance" is formulated and it is only when someone believes that our economic order will soon be seriously out of balance that steps should be taken to accelerate public work. The report presents no "technique of balance" or administrative machinery for the planning and control of public work. The committee desires only to assist the public in its knowledge of economic forces and hopes that the factual survey of the National

Bureau will aid in setting up a specific program. Much work of adaptation has already been pioneered by Otto T. Mallery and others, and doubtless the committee looks to such workers to develop a "technique of balance."

The included factual report of Dr. Leo Wolman is rich in information on public construction. Previous students of the problem, handicapped by the paucity of statistical information, will cordially welcome the compilation of federal construction figures; the estimate of the volume of public construction in the United States; the new data on the financing of public construction; the encouraging chapter on planning and procedure; and the many tables and charts to be found throughout the report and in the appendices. The final chapter of the survey, a discussion of some theoretical problems, is an interesting one. Notwithstanding the comprehensive brief presented against the contraction of public work, it cannot be said that this problem is settled. In the discussion of contraction the phrases "substantial" and "wholesale postponement" are used, but the possibility of variable and limited reserves is not considered.

In summary one may say that the contributions of this able exploration of a difficult field are, first, a sharpening of a concept of public work and of its place in a program of stabilization; secondly, a healthy confidence and stimulation for further study; and thirdly, an abundant compilation of enlightening statistics which will aid welfare workers in adapting the principle of public work to our present economy.

Vernon A. Mund.
Jacobus Fellow, Princeton University.

MISSOURI UNDER THE MICROSCOPE

The Taxation System of Missouri, Supporting Data to the Report of the State Survey Commission to Honorable Henry S. Caufield, Governor of Missouri. By Hugh J. Reber and Edwin O. Griffenhagen. November 30, 1929. 112 pp.

The State of Missouri has completed under the direction of a State Survey Commission a thorough study of the needs of the state's penal, eleemosynary, and educational institutions. The commission estimates that a total expenditure of 192,689,400 dollars will be necessary during the next ten years for capital outlays, extraordinary repairs, and increases in current expenses. In order that this increased financial burden might be distributed in the most equitable manner possible, the commission authorized the present intensive study of the state's revenue system.

The report of Messrs. Reber and Griffenhagen proposes five remedies to correct the most serious faults of the property tax and to reduce excessive and inequitable burdens:

(1) The removal of the four state levies, 13 cents in all.
(2) The granting of state aid for education and possibly other vital local government activities on a basis which recognizes the difference in tax-paying ability of the various sections of the state and the practical impossibility in certain localities of meeting with unaided local resources even the lowest standards in education and other government functions.
(3) The exemption of intangibles, such as bonds, notes, mortgages, and other credits, from property tax and reaching the net income from these forms of wealth through a graduated net income tax.
(4) The radical revision of the law and the procedure having to do with property assessment.
(5) The revision of the law governing the setting of tax rates and tax limits.

As to the inheritance tax, no changes are proposed except the transfer of the entire administration to the state treasurer or tax department if one is created. The present income tax law levies a flat rate of 1 per cent above exemptions on the incomes of both individuals and corporations. Since a large part of the increased revenues are to be derived from this source, the report urges an increase in rates on a graduated scale and a radical revision of the administrative features of the tax, the latter to include in particular the reform of the present system of local income tax assessment. To supplement the increased income tax by taxes with a broader base, the report recommends luxury or consumption taxes, such as a tobacco tax, a tax upon bottled and other soft drinks, and a tax upon admissions. In addition, the proposed scheme of taxation contemplates that businesses pay a greater state income tax, that the insurance tax on gross premiums should apply to premiums of both domestic and foreign companies, that mine properties be assessed by the state tax commission (or that a very moderate severence tax be imposed), that both the motor vehicle licenses and the gasoline taxes be increased.

Interesting and informing chapters in the report are the chapters that analyze the principal sources of state revenue in Missouri in comparison with other states, Missouri's total tax burden

and capacity to pay, the tax burden on agriculture, the tax burden on business, and the tax burden upon the individual. Special chapters are devoted to a discussion of the general property tax, the inheritance tax, the net income tax, consumption taxes, business taxes, and motor vehicle taxes. Twelve tabular summaries and appendices covering sixteen pages are included in the report.

While undoubtedly differences will continue to develop on the specific recommendations of the survey, there is no denying the fact that the study is exhaustive and thorough and should prove invaluable to those who will decide the future fiscal policy of the state.

THE FINANCES OF THE STATE OF MISSOURI, Supporting Data to the Report of the State Survey Commission to Honorable Henry S. Caufield, Governor of Missouri. By James G. Robinson and Edwin O. Griffenhagen. November 30, 1929. 96 pp.

The first section of this report emphasizes that the serious defect in the financial structure of the state government of Missouri is the flagrant abuse of the special fund system. The state maintains over fifty special funds which have resources varying from one thousand dollars to several million dollars. Not only does this system confuse the financial condition, rendering the accounting and appropriating problems very difficult, but it also compels the carrying of millions of dollars in surplus cash that could otherwise be released for needed expenditures. The report urges the abolition of 42 of these funds by legislative act and the discontinuance of three of the constitutional special funds by constitutional amendment. Simplification of the financial structure, concentration of the funds, adequate accounts, and modern budget procedure are vigorously recommended by the authors.

The report finds the actual condition of the general revenue fund satisfactory, but only because the complete expenditure program of each biennium, as provided for by legislative appropriations, was not followed. Had the state agencies operating under this fund been permitted to embark upon the much needed expenditure programs authorized, substantial deficits would have been incurred. But for the same period (1928) the balance sheet shows for the miscellaneous public expendable funds a combined surplus of over five million dollars, and with no evidence of curtailment of activities by the agencies supported by these funds.

The report finds completely inadequate the accounts of the state auditor in connection with the general property tax levies; no records of arrears of property taxes are maintained; no accounts are kept recording the commissions allowed to collectors during a fiscal year; the reports of the county collectors are frequently inaccurate. The chief fault here seems to be the failure of the state to provide an adequate field staff for the state auditor.

The succeeding sections of the report are mainly statistical. One section presents detailed and complete data on the financial operations of 1928, covering both revenues and expenditures. A final section, and the most elaborate part of the report, outlines the financial estimates for the years 1929 and 1930, and includes forecasts of revenues and expenditures for the ten-year period 1931–1940.

MARTIN L. FAUST.

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DIE DEUTSCHEN MITTEL- UND KLEINSTÄDTE. Edited by Dr. Haekel and Erwin Stein. Berlin-Friedenau: Deutscher Kommunal-Verlag, 1929. 146 pp.

The *Zeitschrift für Kommunalwirtschaft* frequently publishes special numbers on various phases of German local government, and these numbers are subsequently reprinted in book form. *German Middle-sized and Small Cities* is a volume of this character and is a reprint of the August 25, 1929, number of the *Zeitschrift*. In form, arrangement, and contents, it is very similar to *Die deutsche Städte, ihre Arbeit von 1918 bis 1928*, which has already been reviewed in these columns.[1] The latter dealt primarily with large cities and with counties while the present work is concerned with smaller municipalities.

In general, "medium" and "small" cities include places having a population of 40,000 or less. Such communities are, for the most part, *kreisangehörig, i.e.*, they have not been detached from the county in which they are situated. They belong to the *Reichsstädtebund* (League of Cities) while the larger municipalities are numbers of the *Städtetag* (Union of Cities). In fact, one of the editors of this volume, Dr. Haekel, is president of the *Reichsstädtebund*.

The book contains some thirty general articles on problems arising out of the government and

[1] NATIONAL MUNICIPAL REVIEW, xviii (June, 1929), p. 405.

administration of the smaller cities. These articles are written by municipal officials who are experts in the subjects which they treat. In addition, there are about forty special articles dealing with particular cities together with numerous illustrations.

The symposium is indeed a timely one. The larger German cities are finding it increasingly difficult to realize the ideal of local self-government set forth by Baron von Stein, but in the middle-sized and smaller municipalities, the vitality of Stein's ideal is best exemplified notwithstanding the many difficulties of the post-war years. Moreover, the point of view of the small city is not always the same as that of the metropolis, especially with reference to such vital questions as administrative reorganization and simplification, annexations, finance equalization, etc. In short, *Die deutschen Mittel- und Kleinstädte* performs a very useful service in bringing together much valuable material on the smaller but by no means insignificant urban communities of Germany.

ROGER H. WELLS.

Bryn Mawr College.

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MUNICIPAL GOVERNMENT AND ADMINISTRATION IN IOWA. Edited by Benjamin F. Shambaugh. Iowa City: The State Historical Society of Iowa, 1930. 2 vols., 608 and 668 pp.

These two volumes, totaling nearly thirteen hundred pages, are an ambitious and successful attempt to describe in considerable detail the governmental organization and administrative machinery of Iowa cities. Since they are made up of a series of twenty-two monographs, by eleven different authors, it is inevitable that there should be a certain lack of continuity, and that numerous duplications should creep in. Yet the work has been well edited, so that these defects are not serious.

The first volume deals very ably with the complicated problem of city-state relations, and includes also chapters dealing with the municipal electorate, the mayor, the council, the city manager, the clerk, the treasurer, the assessor and other municipal officials. Volume two is devoted to studies of municipal finance, administration of justice, public safety, public health and other city functions.

For the most part, the two volumes are well written, although there are wide variations as between chapters and authors. The monographs by Jacob Swisher and by Ruth Gallaher are deserving of especial mention by virtue of the unusual care with which they have been prepared.

There is one criticism, applicable to the entire work, which seem sufficiently important to be worthy of mention. Every phase of government and administration is treated almost entirely in terms of the constitution and laws, rather than in terms of actualities. The authors do not seem to be especially interested in what city officials are really doing, and what they are failing to do. There is no doubt, however, that the vast wealth of material included within the two volumes will prove of considerable interest to every student of municipal institutions, and of especial value to those who are directly concerned with the affairs of Iowa cities.

AUSTIN F. MACDONALD.

University of California.

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RURAL MUNICIPALITIES. By Theodore Bergen Manny. New York: The Century Co., 1930. Pp. ix, 343.

The author of this attractive little volume states his real purpose rather tardily at page 210: "Doubtless the reader has surmised before this that one major purpose in these chapters is the recommendation of some plan for incorporation of self-determined rural areas into municipalities for purposes of local self-government."

He succumbs to the temptation to trace a historical background of local government and devotes half a dozen chapters to finding origins in mediæval Europe, to comparing French, German and English local institutions, and to tracing the emergence of the various familiar types on American soil. Then come two splendid chapters wherein a real contribution is made, for he discusses "Rural-Development Legislation" and criticizes it in a thoroughgoing fashion that is most illuminating. In narrative style, and also by means of numerous tables, he shows what the various States have been doing in the past two decades to make it possible for counties and townships to afford to rural people some of the manifold benefits of expanding government service that city dwellers have received. The account is most interesting, and shows how, by means of much permissive legislation, and some that is mandatory, the state legislatures have attempted to meet the demand for city services in rural communities.

And Mr. Manny is quite at his best in commenting upon this legislation, showing its futility in many respects, and pointing out how the rigid, formal structure of counties and townships so often defeats the ultimate purpose, even when the clumsy special district is superimposed upon them. He argues cogently for a type of local organization that departs radically from the orthodox county-township structure, and makes his reader see great benefits for rural people.

As might be expected his specific proposals for the ideal "rural municipality" leave one with many doubts and mental reservations. He properly deplores the incorporation of great multitudes of tiny villages and towns, for they take the very heart out of rural areas, leaving the surrounding farm people adrift as it were. And he thinks it would be possible to mark out "natural" rural units, clustering about trade centers. These natural areas, embracing people who are conscious of a keen sense of unity, economic and social, could well be erected into a new type of municipality, suggestive of the New England town. They would be vigorous, healthy political entities capable of serving rural people on a scale fairly comparable with the service that cities now extend to urban dwellers.

One can agree that existing local areas are highly artificial and greatly lacking in unity; but one may gravely doubt if it would be possible to stimulate much interest in local self-government even within an area which ardent reformers might fancy to be a "natural unit." The drift in the direction of state control of such important services as highway construction, education, charities, tax assessment and collection, police, etc., may well balk the best of efforts to revive the waning interest in literal local self-government.

About fifty pages in an appendix are devoted to the text of a proposed rural municipality incorporation law.

KIRK H. PORTER.

State University of Iowa.

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PHILADELPHIA TRAFFIC SURVEY, REPORT NO. 5. West Philadelphia. Prepared under direction of Mitten Management, Inc., May, 1930.

This number of the series of traffic reports to the Philadelphia Chamber of Commerce not only analyzes street traffic in West Philadelphia and recommends its regulation through restriction of parking, installation of signals and the adoption of through and one-way streets, but also proposes extensive alterations and additions to the street plan so as to provide a network of main arteries based upon the stated ideal plan of "a rectangular system of main traveled streets connected by several well-designed radial arteries which converge upon the most congested part or parts of the community."

The numerous plans presenting the details of these proposals are made unusually effective by the general use of wash colors. No estimates of cost are given, but special benefit assessments or excess condemnation are recommended to pay the bills. It is suggested that the entire report be referred to the newly appointed traffic commission and traffic engineer and that the proposals for street changes be referred to the newly appointed city planning commission.

ARTHUR C. COMEY.

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MUNICIPAL REPORTS

STAUNTON, VIRGINIA. *Twenty-second Annual Report for the Fiscal Year Ending March 31, 1930.* Willard F. Day, City Manager. 61 pp.

For many years the municipal reports of Staunton have attained very high standards of public reporting. This last issue is no exception. To begin with they are published promptly after the close of the period covered. This year less than six weeks had elapsed before the report was available to the taxpayers. The inside front cover contains a table of the more pertinent facts about the city, and this is followed by an official directory and an organization diagram giving all the departmental units and their relationship to each other. The diagram, however, contains certain organization units for which no report is found in the pages of the report. This is true of the board of zoning appeals, library board, city attorney and the engineering department. The contents page, which is found in the back of the report, would seem more appropriately placed at the beginning. To attempt a full enumeration of all the good qualities would be too lengthy for this report; it rates higher than any report thus far reviewed in these columns this year.

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SUMMIT, NEW JERSEY. *Annual Report for the Fiscal Year Ending December 31, 1929.* John P. Broome, City Supervisor. 49 pp.

The report of Summit this year registers a distinct advancement over the previous issue. The diagrams, charts, and pictures are improved, and the important facts are better emphasized.

The inclusion of an organization chart is also commendable. It fails to show, however, either the board of education or the light department, both of which are reported in the text. A table of contents would be a great aid in readily locating specific information, and a summary of the year's outstanding accomplishments would also serve a useful purpose. The comparative data and financial statements are well presented. The report as a whole is a very creditable work.

CLARENCE E. RIDLEY.
The University of Chicago.

REPORTS AND PAMPHLETS RECEIVED

EDITED BY E. K. OSTROW
Librarian, Municipal Administration Service

Third Progress Report on Hudson River Bridge.—Prepared by the Port of New York Authority, April, 1930. 45 pp. This is a summary of what has been accomplished since the second progress report was submitted. Plans for the approaches to the bridge on the New York and New Jersey sides are given, also photographs and maps of various phases of construction. (Apply to Port of New York Authority, 75 West Street, New York City.)

⁂

First Progress Report on Kill Van Kull Bridge.—By the Port of New York Authority, April, 1930. 39 pp. The location and general description of the bridge, bids for construction work, and a section on research work with construction materials, are some of the outstanding subjects in the report on the Kill Van Kull Bridge which is now being built between Bayonne, New Jersey, and Port Richmond, Staten Island. The report also contains many photographs of the work and sketches of proposed approaches. (Apply to Port of New York Authority, 75 West Street, New York City.)

⁂

Directory of City Officials of Colorado.—Compiled and published by Colorado Municipal League, Boulder, Colorado, June, 1930. 40 pp. (Mimeographed.) This directory contains a list of city officials for 1930 for 221 of the 230 incorporated towns and cities of the state of Colorado. There is also given the population according to the 1920 census, the time of the regular council meetings, and the annual salaries paid. (Apply to the Colorado Municipal League, University of Colorado, Boulder. Price, $1.00.)

⁂

Studies in State Educational Administration.—By the Research Division, National Education Association, Washington, D. C., December, 1929. 57 pp. (Mimeographed.) In 1929, legislatures of forty-six states and territories met and in almost every instance significant policies affecting the schools were fixed. The decisions of state legislatures have a profound affect on the welfare of the schools, the children, and the teachers. This study is a review and summary of the most important aspects of 1929 state school legislation. No attempt is made to compile an exhaustive digest of all laws, but it is rather a summary of certain new and proposed laws on educational topics of general interest. Minor administrative adjustments and most of the routine appropriation measures are not included. A few bills of special interest which were not enacted into law are also included. (Apply to the National Education Association, 1201 Sixteenth Street, N. W., Washington, D. C. Price 25 cents.)

⁂

Traffic Safety and Facilitation.—Reports issued for consideration in advance of the Third National Conference on Street and Highway Safety held in Washington, D. C.

Committee reports:
- Maintenance of the Motor Vehicle.
- Uniform Traffic Regulation.
- Measures for the Relief of Traffic Congestion.
- Traffic Accident Statistics.
- Protection of Railway Grade Crossings and Highway Intersections.

Model Municipal Traffic Ordinance.

Proposed uniform vehicle code consisting of the following parts:
- I. A Uniform Motor Vehicle Registration Act.
- II. A Uniform Motor Vehicle Anti-Theft Act.
- III. A Uniform Motor Vehicle Operators' and Chauffeurs' License Act.
- IV. A Uniform Act Regulating Traffic on Highways.

Copies of these publications may be secured from the National Conference on Street and Highway Safety, 1615 H Street, Washington, D. C.

✱

The Roadsides of North Carolina; A Survey.—Published by the American Nature Association of Washington, D. C., for the National Council for Protection of Roadside Beauty. 34 pp. Since a great part of the traffic upon our highways is for recreational purposes, consideration should be given to the beautification and improvement of the roadside. Mr. and Mrs. Lawton, who were engaged in this survey, have shown, by numerous photographs, typical examples of the damage done by billboards, filling stations and hotdog stands. They have also pointed out what can be done to improve roads and highways by planting, more attractive town markers, and by strict enforcement of the advertising law of the state. (Apply to the American Nature Association, 1214 Sixteenth Street, Washington, D. C.)

✱

Ohio Conference on Water Purification, 1929 Report.—Columbus, Ohio, October, 1929. 107 pp. At the ninth annual meeting of the Ohio Conference on Water Purification swimming pool design and sanitation and the odor and taste problem were subjects which received much consideration. One section of the report deals with miscellaneous plant problems handled by various members. Abstracts of papers and discussions are given, but the full text of most of the reports is included in the appendix. A list of municipal water treatment plants in Ohio, as of March, 1930, comprises the final appendix. (Apply to State Department of Health, Columbus, Ohio.)

✱

Testing Equipment for Large-Capacity Scales for the Use of Weights and Measures Officials.—Miscellaneous publication No. 104, U. S. Department of Commerce, Bureau of Standards. Prepared and assembled by Ralph W. Smith, Senior Engineer. Washington, D. C., February, 1930. 17 pp. An effort has been made in this publication to present a convincing argument for the procurement of suitable equipment for the testing of large scales, and descriptions of typical outfits in successful operation by weights and measures officials. The official seeking such equipment will then be in a position to supply to the members of the town or county board, or city council, a summary of the results of the experiences of other officials in addition to his own recommendations. (Apply to Government Printing Office, Washington, D. C. Price, 10 cents.)

✱

State and Municipal Regulation of Radio Communication.—By Paul M. Segal and Paul D. P. Spearman. Washington, D. C., May, 1929. 16 pp. Radio regulation is a new field of jurisprudence which must be based on sound engineering, as well as legal principles. In this pamphlet, two experienced men discuss the engineering aspects of the problem. An attempt is made to establish a uniform and scientific system of control. Radio laws may be classified into those which provide direct local control of radio transmission or apparatus, anti-nuisance laws, and laws dealing with apparatus construction. The authors have discussed the validity and the policy of the various state and municipal laws falling into the above broad classification, and the scope of local regulation. There is also an appendix containing two anti-noise ordinances. (Apply to U. S. Government Printing Office, Washington, D. C. Price, 10 cents.)

✱

Index to United States Daily.—The Annual Index to Volume 4 of the United States Daily, for the year ended March 4, 1930, was released in August. This large volume of some 500 pages comprises considerable interesting material. Fifty court cases involving municipal corporations have been concisely summarized. Ten court cases involving municipal taxation are analyzed and the ordinances of seventeen cities, participating litigants, are summarized. Other subjects of interest to leaders in municipal affairs are: municipal liability, municipal utilities, zoning, and traffic regulation. (Apply to the United States Daily, Washington, D. C.)

✱

Municipal Golf Courses.—Issued by the Public Links Section, United States Golf Association, New York City, 1930. 31 pp. The 1930 edition of this pamphlet contains a list of golf courses operated by municipalities throughout the United States, together with such statistical data as cost of operation, fees charged, clubhouse facilities, and the names of the professionals in charge. (Apply to United States Golf Association, 110 E. 42 Street, New York City.)

✱

Report of the State Board of Housing.—Legislative Document (1930) No. 84. Albany,

New York. 105 pp. The first section of this report is given over to a description of limited dividend corporations organized and operating under the state housing law. In addition to promoting projects under the law, the efforts of the Board are directed toward the improvement of housing construction in general. For this reason, the Board presents the results of certain cost studies which should prove interesting to all prospective builders of moderate cost multi-family houses. Section II summarizes the results of an inquiry into housing conditions in the older and more deteriorated sections of New York City. The New York State Department of Health, the New York State Conference of Mayors and the Board of Housing have cooperated in preparing a model housing code for the use of municipalities throughout the state. A description of this code will be found in Section III. The fourth section of the report is devoted to a discussion of several proposed amendments to the state housing law which the Board considers necessary to meet the changing conditions and to facilitate its practical application. These proposed amendments are presented with explanatory notes in the final section. (Apply to the State Board of Housing, Albany, New York.)

*

Pavements for Modern Traffic.—Portland Cement Association, Chicago, Illinois. 1930. 28 pp. Street problems such as the value of good pavements to the community, paving practices on steep grades, between car tracks, on heavy traffic streets, etc., which confront city officials, business men and property owners are discussed in this booklet of the Portland Cement Association. (Apply to the Portland Cement Association, 33 West Grand Avenue, Chicago, Illinois.)

*

Certain Phases of Rural School Supervision.—Bureau of Education, Department of the Interior, Washington, D. C. Bulletin (1929) No. 28. 48 pp. This bulletin contains abstracts of addresses delivered at a two-day conference of state and county rural school supervisors in the southern states called by the U. S. Bureau of Education in December, 1928. The program of the convention was arranged to consider the following subjects: Problems of special current interest in rural school supervision, certain significant factors in the solution of supervisory problems, extension of information concerning rural school supervision, and the improvement in teachers' meetings. (Apply to Superintendent of Documents, Washington, D. C. Price, 10 cents.)

*

Playground and Recreation.—Yearbook Number. May, 1930. 148 pp. The 1930 yearbook of the Playground and Recreation Association of America is a report of the public recreation facilities, leadership, expenditures, and programs of American municipalities. It is a statement of community recreation activities conducted under leadership and of facilities used primarily for active recreation. Recreation programs provided by industrial concerns and other private agencies for the benefit of the entire community and which are not restricted to special groups are also reported. Similarly, reports of many school playgrounds, recreation centers, and other recreation service provided by school authorities are published, but statements concerning school physical education programs are not included in the yearbook. (Apply to the Playground and Recreation Association of America, 315 Fourth Avenue, New York City. Price, 50 cents.)

*

Report on Curb Parking Survey of Central Traffic District.—Department of Public Works, Bureau of Engineering, San Francisco, California. February 10, 1930. 7 pp. (Mimeographed.) The Bureau of Engineering here presents a thorough analysis of curb parking in the Central Traffic District of the city. There are two tables, one showing the total automobile storage capacity of the District, segregated as to type of storage conditions and as to type of restrictions on storage; the other, the distribution of total curb space in the same area. A map showing each crosswalk, safety zone, driveway, hydrant, taxi stand, alley, loading zone, passenger loading zone, and each garage and parking lot together with its stall capacity for the District is also included. (Apply to the City Engineer, Department of Public Works, San Francisco, California.)

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since June 1, 1930:

Cincinnati Bureau of Governmental Research:
A Preliminary Financial Analysis as a basis for a proposed Joint Bond Program, 1930.
Detroit Bureau of Governmental Research:
Waste Disposal by Incineration.
Kansas City Public Service Institute:
Kansas City Firemen's Pension Fund.

✤

California Taxpayers' Association.—The Association has undertaken a study of the industrialization of the state penitentiaries at Folsom and San Quentin. A study of forty state prisons reveals that the earnings per prison inmate in the United States for the year 1927–28 averaged $170.36, as compared with $13.13 for San Quentin and $3.88 for Folsom. The Association favors the providing (in state prisons) of useful employment, which will not be in competition with free labor or private industry.

The Association recently completed a detailed study of the proposed civic center for Fresno City and County.

Budget studies have been made by the budget department of the Association for the following communities: City of Los Angeles, Los Angeles County, Alameda County, Fresno County, City of San Diego, San Diego County, Marin County and the City of Glendale.

The research department has completed the survey of the general hospital of Fresno County, which was made at the request of the county board of supervisors. The survey reveals that the operative costs of the general hospital are not excessive and that the trend of expenditures over the past ten years has not been out of line with the natural growth of the county. Sixty-one per cent of the entire number of hospital beds in the county are charity beds (publicly supported) and 39 per cent are in private hospitals. This high percentage of charity beds is due to two factors: first, the peculiar social and economic conditions which prevail in the county; and second, an apparent laxity on the part of the social service workers who have charge of admitting patients to the hospital. The survey showed that the hospital is ably managed and there is no evidence of administrative laxity.

✤

Des Moines Bureau of Municipal Research.—The Bureau has appealed to local taxing subdivisions to hold down 1931 tax levies, on the grounds of local economic conditions. It has prepared data on delinquent taxes, assessed valuations and other economic factors.

Coöperating with the school board, the Bureau is preparing a plan for amortizing the $8,000,000 outstanding school bonded debt, a large portion of which is composed of term bonds for which no sinking fund reserve has been set up.

The Bureau is preparing an exhaustive analysis of the local garbage collection and disposal system. It objected to a proposed contract by a hog-feeding concern because of the additional expense of hauling. The hog-feeding concern has made a new offer which is more advantageous to the city.

The Bureau has coöperated with the department of public safety and the state examiners in revising the dance hall records and ordinance. This resulted from investigations made by the Bureau and the state examiners, which revealed irregularities in the former procedure.

The Bureau has recently issued the following reports, most of which were printed in local newspapers: local tax rates since 1904; summary of city departmental expenses 1925–29; city, county and school election expenses and vote 1924–29; how much Des Moines would probably pay under proposed state income taxes; comparison of taxes paid in six Iowa and Wisconsin counties of similar population; and barometers of local business conditions and tax factors 1920–29.

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Detroit Bureau of Governmental Research.—William P. Rutledge, former commissioner of

police of Detroit, and Arch Mandel, formerly of the Detroit Bureau, and now secretary of the Dayton Community Chest, have just concluded a survey of the police department of Pontiac, Michigan, made under the authority of the city commission and the city manager. The survey covers the organization of the department, selection and training of men, the coördination of the record system, and general administration. The recommendations will be made effective under the direction of Mr. Rutledge during the forthcoming year.

Mr. Rutledge, who has become associated with the Detroit Bureau in a consulting and advisory capacity on police matters, was in the Detroit police department for more than thirty years, filling practically every rank in the service. He retired several years ago to accept the appointment as police commissioner at the instance of the mayor. Mr. Rutledge is a former president of the International Association of Chiefs of Police, and is now chairman of the Committee on Uniform Crime Records, whose work has been concluded with such notable success. He is also the originator of the radio control patrol cars, this system being first inaugurated in the city of Detroit under his direction.

The trustees of a large bequest to be devoted to the care, maintenance and education of crippled children in Michigan have retained Lent D. Upson, director of the Bureau, to conduct a survey of the situation with respect to the crippled children within the state. Miss Opal Matson is assisting. The report will probably be completed in the early fall.

The success of the Citizens' Committee, appointed by Ralph Stone, president of the Detroit and Security Trust Company, for the purpose of advising council with respect to the city budget, has been such that the committee has been made permanent. Lent D. Upson and C. E. Rightor are secretary and assistant secretary. During the consideration of the budget the committee submitted four reports to the mayor and the council pointing out specific instances in which it was believed that reductions could be made. The newspapers gave large space to the proceedings of the committee and its recommendations, [illegible]embers of council were frank to say that the moral support furnished made material reductions in the budget possible. It is estimated that the tax rate was actually reduced by about $1.50 per thousand through the coöperation of the council and the committee. Important bond proposals were deleted, including a supplementary one for the construction of a new house of correction.

The recommendations of the Citizens' Committee on Finance that city authorities eliminate state prisoners from their charge were carried out by an agreement with the governor with respect to male prisoners. In consequence, the appropriation for the new house of correction has been halved, with a saving of $1,250,000. Also, the new construction designed only for city misdemeanants will be along entirely different lines and will allow experimentation with a new type of custodial care. The new prison will consist primarily of suitable barracks to house from forty to fifty men each. In addition it is expected to build a cell block to house two hundred unruly prisoners and those for whom warrants have been issued by other jurisdictions.

George Graham, graduate student at the University of Illinois, has spent the summer months with the Bureau, preparing a manual on special assessment procedure in coöperation with city offices in the assessment division. Mr. Graham has just received his doctor's degree at the University of Illinois, his thesis subject being "Special Assessment Procedure in Detroit," the data for which was secured while working on the staff of the Detroit Bureau.

The insistence of the Bureau that a large sum of money could be saved each year by the use of incineration for Detroit's municipal refuse has finally resulted in a junket of the city council to visit Eastern incinerator plants. However, the issue is so confused with personalities, politics, and contracts that the early adoption of this system of waste disposal is not anticipated.

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The Bureau of Public Research (Jacksonville, Florida).—The Bureau has since January 1 turned its attention to Duval County finances. In view of an apparent shortage in one county office, the Bureau passed a resolution requesting Governor Carlton to furnish auditors to check all county offices. Three auditors were sent in and to date have completed reports on all but one county office. The Bureau has published summaries of these audits including that of the board of county commissioners. The auditor's report showed a shortage in some offices and numerous violations of law. It is apparent that our comments and the auditor's report are having a beneficial effect on the board of county commissioners who at their June 30 meeting

ordered a reduction of salaries, smaller payroll and more economical methods of purchasing.

On May 30, the Bureau published a tentative budget showing a possible tax reduction for Duval County of 10.7 mills. There is assurance that this reduction in millage will be embodied in the permanent county budget for 1930, the school board having already made a reduction of one mill over last year. The Bureau is at present engaged on an intensive study of further possible budget economies for the City of Jacksonville.

The governor has expressed the wish that each county of Florida might have a non partisan, fact-finding organization similar to that of the Bureau of Public Research.

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The Taxpayers' Association of New Mexico.—The Association is devoting its efforts during the summer months to assisting the state tax commission in the preparation of the annual budgets for counties, cities, towns, villages and school districts. Assistance is also being given by the Association to the governor in checking the annual budgets submitted by the state departments and state institutions.

✻

Bureau of Municipal Research, University of Oklahoma.—Two students of the school of citizenship and public affairs are carrying on work on two research problems under the direction of James W. Errant, assistant director of the Bureau. One student is making a study of garbage disposal in all cities and towns of Oklahoma. On the other problem, questionnaires have been sent to all cities and towns in the state for information to be used in compiling our annual directory of city officials of Oklahoma. We plan to include much more information than ever before and we also are making an effort to cover every municipality in the state. These two projects will be completed the latter part of September.

Dr. J. T. Salter, secretary-treasurer of the Oklahoma Municipal League, has resigned and Roy Eaton has been appointed to fill the vacancy, effective September 1. Dr. Salter has recently accepted an appointment as associate professor of government at the University of Wisconsin. Lynden Mannen will assume the position of managing editor of the *Oklahoma Municipal Review* and Mr. Eaton will become the business manager.

✻

Schenectady Bureau of Municipal Research.—A committee has been appointed from the board and the membership of the Bureau to study and report upon the state law which permits the setting up of a single-headed department of assessment and taxation in place of the present elective board of four members. In a preliminary study made two years ago, the Bureau examined this branch of municipal government and the present committee is now studying that survey.

Last year the Bureau made a study and recommended that the city draw up a new and modern building code. It is now reported that the next annual budget will carry an appropriation for this much-needed work.

The Bureau staff is still writing various sections of the police report. It has been decided to appoint a committee from the board and Bureau membership to pass upon this survey. The importance of the work makes such a step highly desirable.

As a result of Bureau activity, the new state law, which will permit purchasers at tax sales to obtain clear title to property, is now before the common council. According to reports, early and favorable action is expected.

The Bureau board has decided to request a conference with the board of estimate and apportionment during its work on the preparation of the 1931 budget. A similar conference was held last year and the Bureau hopes to make these meetings an annual event. The Bureau staff is working on a number of suggestions for inclusion in the budget.

The capital budget commission has continued its work on the income side of the capital budget and its revised projections on future income now await the receipt of this year's funds from the office of the state comptroller. At its next meeting the commission will discuss the new current expenditure estimates which have been submitted by department heads for the additional years 1934 and 1935. Although the commission is constituted primarily for the purpose of considering municipal debt policies, it has performed important work to date in connection with administrative affairs. It has made a number of suggestions to heads of departments and will undoubtedly fill an important place in city government in this respect.

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Toledo Commission of Publicity and Efficiency.—The interests of the Commission during the last three months have been centered mainly on the salary scale for city employees and remedies

for its inequalities, and the question of city-county consolidation. In several issues of the *City Journal* it was pointed out that the salary ordinance was defective, that a re-classification and standardization of positions and salaries was needed on account of piecemeal salary revision methods; and that no salaries should be raised during the present year on account of stringent financial conditions. The Commission made two definite recommendations: (1) that there should be no salary revision except in the most exceptional cases until a classification and standardization study had been made; (2) that the salary ordinance, when and if it is revised, should include a range of salary applicable to each position, with provision for automatic, or semi-automatic, raises on a basis of experience, length of service, and efficiency on the job.

A resolution introduced into council endorsing the consolidation of city and county government caused the subject to be referred to the Commission for general information on city-county consolidation and regional government. The experiences of other cities with city-county consolidation, with city-county separation and regional consolidation, as well as the experiences of cities where consolidation is needed, but has not yet taken place, were analyzed. A report was made to the city council on the matter on June 25 and action was deferred by the council until time for further study by its members. City-county consolidation in Ohio is impossible until the constitution is amended, but an attempt will be made to secure action by the Legislature at its 1931 session. Members of the council expressed a desire to have the matter discussed in a public meeting before themselves, county officials and other groups interested in the measure, at an early date.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Magistracies C. O. D.—New York's scandal-of-the-month for August concerns City Magistrate George Ewald. Its publisher is United States Attorney Charles H. Tuttle. It bids fair to be a best seller.

The story affords an interesting sidelight on the manner in which magistrates are appointed in that city. Having been informed that Judge Ewald had said he paid for his job, Mr. Tuttle, while poking among the affairs of the Ewald family, which has since been indicted for fraudulent stock promotion, found some trace of money passing from Mrs. Ewald to a Tammany district leader named Healy and one Tom Tommaney, a Tammany healer. Healy, Tommaney and Mrs. Ewald all refused to testify before the federal grand jury on the ground that it would tend to degrade and incriminate them.

Mayor Walker, with evident impatience, ordered Healy's suspension as deputy commissioner of plant and structures. The Tammany district attorney summoned the persons involved, but the grand jury refused to take action. Even Leader Curry was moved to assure us that Tammany stands for "clean government." Mrs. Ewald next explained that the $10,000 which she gave Tommaney for Healy was in fact a loan, though without interest, and that she had received his note, though unfortunately this had been lost. The judge himself insisted that he did not know even of the loan and that though he had seen Healy and had been assured of his support he attributed the appointment to the influence not of Tammany but of the Steuben Society. This Mayor Walker confirmed.

Tammany had not, however, reckoned with the present energetic leadership of the city bar association or the presidential ambitions of Governor Roosevelt. The Governor, on the appeal of the former and of Rabbi Stephen S. Wise, summoned a special grand jury and directed the state attorney general (a prominent Republican aspirant for gubernatorial honors) to present the Ewald case. Moreover, he summoned the appellate court which was recently given enlarged jurisdiction over magistrates and they have appointed a special master to examine into the purchase price of these judgeships generally.

JOSEPH MCGOLDRICK.

Zoning à la Carte in New York.—New York City has the distinction of not only being the first city to undertake zoning but the first to contribute a major scandal to the history of that important and far-flung movement. Though there have been rumors of spoils on a grand scale in the administration of exceptions to the city-zoning code, it remained for the indefatigable United States District Attorney Tuttle to get results.

When the zoning ordinance was enacted in 1916 the board of standards which had had important duties in connection with fire hazards, safety appliances and the like was enlarged and given power to make exceptions to the zoning regulations. The board consisted of seven appointed members and six who served ex officio. The latter were the building superintendents of the city's five boroughs and the chief of the force of the fire department.

The appointive members constituted a board of appeals with power to overrule the larger body. Just before Mayor Walker took office the board was reorganized and reduced to five members, four of them appointed by the mayor and the fifth being designated by the fire commissioner from among his higher ranking subordinates.

Mayor Walker continued William E. Walsh, his close personal friend, as chairman. Even at this time there was much gossip of a "ring" of successful practitioners monopolizing the board's work. Various civic organizations and Republican candidates had sought hard after evidence but without success. At length, for reasons unknown to this observer, Chairman Walsh incurred the enmity of William Randolph Hearst. Seizing upon a Walsh aphorism uttered at a session of the board that "there is a sense of larceny in all of us," the Hearst papers set about, as only they can, to drive him from office. Mayor Walker had planned that Walsh should have the place of Grover Whalen, who had fallen from favor. Forced to abandon this, he nonetheless publicly proclaimed his confidence in his close friend Walsh.

The Hearst papers hammered away with stories and cartoons. At length United States District Attorney Tuttle began to check up the income tax returns of Dr. William E. Doyle, former veterinary (or horse doctor, as the Hearst papers

delight to call him) and most successful counsel before the board. He was able to disclose that in less than four years Dr. Doyle had bank deposits of at least $500,000 but had filed income tax returns for substantially less. Questioned about this he insisted that his fees had been split with someone, but refused to answer further questions, lest he incriminate himself. His trial, however, resulted in acquittal of perjury and disagreement on other counts. He is promised another.

Inquiry also developed that Mr. Walsh was living in a $4,800-a-year apartment owned by a successful applicant before his board but for which he paid a modest $1,500. He insisted this was a good, but quite innocent, bargain. The grand jury thought otherwise and indicted him. The mayor made a special visit to City Hall to await the Walsh resignation and promptly accepted it. A committee of sixteen citizens and real estate men was quickly appointed to consider possible changes in the powers and procedure of the board but not its past practice.

JOSEPH MCGOLDRICK.

Street-Widening Programs for Detroit.—As a result of a long-term financial program for Detroit presented by former Mayor Lodge in July, 1929, a report of a ten-year street widening program has been recently presented jointly by the rapid transit commission, the city plan commission and the department of public works.

The report lists in the order of importance such streets as are indicated by the master plan of street widenings, adopted in 1926, and the method by which the construction can be financed. While the report covers a ten-year period, it indicates that the program can be financed within five years by the revenue from the present mill tax dedicated to street openings and widenings. The majority of the streets are to be widened to 120 feet, although a few are listed for greater widths. There are two methods of financing—one group, consisting of the important cross-town streets to be financed by payments of 50 per cent by the county (Detroit pays 80 per cent of the county tax), 25 per cent by the city at large, and 25 per cent by the special assessment district. The other group is composed of short stretches of streets of lesser importance, which are to be financed by a division of cost of 75 per cent by the city at large and 25 per cent by the special assessment district.

While this report was being prepared the essential details were presented to several improvement associations throughout the city for comment. The secretary of one organization brought out a plan of his own, based on improving the same streets but adding (1) a plan for the state to participate in financing street widenings by a more liberal apportionment of the automobile weight tax than at present, (2) the program to be consummated within a three-year period and (3) that no special assessments be charged, but later this was modified to use special assessments as little as possible. For a time this plan threatened to eclipse the original plan, but it has now apparently been discarded due to a tenative agreement with the state whereby five important streets within the city limits, designated as state highways, are to be widened with the state accepting 50 per cent of the cost and the balance to be equally divided between the city at large and the special benefit district.

Recently, still another plan has been put forward by the road commission of Wayne County, in which Detroit is located. This plan is much more ambitious than the other two, contemplating an expenditure of some $100,000,000 for right of way alone, of which 20 per cent is to be borne by the special assessment district and the balance by the county at large. Essentially, the streets to be widened are the same as in the joint report made to the council, except in place of 120-foot streets, the county provides for 70 miles of 204-foot streets. The policy of extremely wide streets "involves striking out in a new field, in a new direction with original ideas." The Wayne County road commission is composed of three members, elected for a six-year term, with one member being elected at the regular county election held each two years.

The board of supervisors, the legislative body of the county, through its ways and means committee, has agreed to the plan "in principle," but as it involves the submission of a bond issue to the electors, together with an increase of one mill in addition to the present mill tax for county roads, it is far from an accepted program as yet. The advantage of the county plan is the practically unlimited capacity of Wayne County to issue bonds as contrasted to the very small margin remaining for Detroit. The disadvantage is the immense cost, the lack of popular control over the governing body, and the excessive width of the streets contemplated—it has been held that an extremely wide street, that is, one over

100 feet, is a detriment to a proper development.

The usual division of cost of street widenings has been 50 per cent by the special assessment district, and 50 per cent by the city at large. It will be noted that in all the plans outlined the special assessment district is to bear only 20 per cent to 25 per cent of the cost. It is urged that the lesser proportion is more equitable, as a widened street which changes its utility requires a number of years for any increment in value to develop. This is undoubtedly true of some widenings, but it is equally true that many of the difficulties resulting from the present division of costs are due to lack of appreciation of the proper sized benefit district and what constitutes an orderly apportionment of costs within the district.

There has been no official action taken on any of the plans submitted nor any strong support to any one of the projects. The most hopeful aspect of this mélange of programs for providing more space for Detroit's automobiles is the real thought that is being given to an orderly planned program, with due consideration to the methods of financing.

James M. Leonard.
Detroit Bureau of Governmental Research.

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Two Opinions on "Before and After" Manager Government in Watertown.—

To the Editor of the National Municipal Review:

In your magazine, June, 1930, you published an article headed "Watertown Politicians Dismiss City Manager," which article I judge was intended as a protest against Mr. Ackerman's summary dismissal in which protest many people in Watertown are glad to join, myself among them. But, having made this protest, would it not have been well, all things considered, to stop there? You make comparisons between the "Manager Government" and the "Old Government," not flattering to the latter, which comparisons it seems to me serve no good purpose and in some cases are misleading. For instance, you say: "When Watertown adopted manager government, the city was in bad financial condition." Was not this a very serious charge to make and a decided reflection upon the men who made up the old government? And was it true? If the same charge had been made against an individual or a bank, I am sure trouble would follow.

You proceed further to say: "Bonds had been refunded time and time again." This proceeding may have been resorted to occasionally, but the instance in 1923 (the third year of manager government) was the first time in many years. In this case $35,000 of water bonds were refunded.

Still further you say: "Watertown City Hall was built forty years ago, yet, not one cent had been paid on the principal and the city had paid out in interest during those years an amount equal to several times the principal." The city hall was built in 1896, the bonds issued the same year and the dates of payment fixed, which dates have never been changed. No intervening administration can be censured for not paying them. They could not be paid until due. Manager government came to Watertown in 1920. These city hall bonds were then twenty-four years old, not forty. They bore an interest rate of 4½ per cent—the amount $40,000. A simple calculation will show you that the city has paid in interest somewhat less than "several times the amount of the principal." This city hall story has been repeated so often that it becomes somewhat of a "chestnut," if you will pardon my saying it. Probably to build a city hall today duplicating the one we have would cost at least $120,000. Meantime the city would have been obliged to rent quarters as they were doing back in 1896, probably in these times at a cost of $8,000 per year anyway. This city hall job may have been a case of bad financing, but not a bad case of business foresight.

Again you say: "The waterworks department was organized in 1853, yet, from 1853 to 1916, not one dollar had been paid on the principal of the water department bonds, and the latter year (1916) but $5,000 was paid." Wrong again! I am informed payments began in 1907. In 1916 a payment of $20,000 was made instead of $5,000.

Still again you say: "When city manager government took effect here, the water department had a bonded debt of $321,000. In ten years this debt has been reduced to $10,000 and will be entirely wiped out this year. Every year thousands of dollars of debts contracted under the old aldermanic system of government are paid off." The figures in the above quotation would indicate that the manager government in ten years had paid $311,000 in water bonds. I offer as an amendment that instead of $311,000, this be made to read $226,000 which, I believe, is the correct figure.

Referring to the last clause in your quotation probably it can be said with equal truth and no doubt will be said by succeeding administrations that they are paying each year thousands of dollars of debts contracted under earlier administrations, since, notwithstanding the stern and strenuous debt-paying campaign conducted by the manager government, the bonded debt of the city has sneaked up on them and now stands at a figure something more than double the amount they found outstanding when they assumed office. In this connection and in fairness to the old government, it should be said that when they went out of office the water department turned over something more than $90,000 in cash to their successors, which fact I have never heard mentioned. Also it should be borne in mind that all bonds, interest, extension of mains, etc., were paid from the earnings of the department, which was allowed nothing from the tax levy.

H. E. Harmon.

To the Editor of the National Municipal Review:

I have read with interest the letter of Mr. H. E. Harmon with reference to my article in the June issue of the National Municipal Review headed, "Watertown Politicians Dismiss City Manager." In this article I sought to compare Watertown under the present manager form of government with the Watertown of ten or more years ago under the old aldermanic form of government. I made the statement that at the time the city adopted city manager government it was in a bad financial condition, a contention to which Mr. Harmon takes decided exception. It is with no reflection upon those who composed the city government before the adoption of the present form, all of them, so far as I know men of the highest integrity in public and private life, that I still contend that the city is in an immeasurably better condition financially and in every other way at the present time compared with what it was when the old form of government prevailed. In support of that contention I desire to submit briefly the following facts:

Prior to 1920 (the date when city manager government was adopted here) only bonds of the sinking fund type were issued. Unfortunately no sinking fund was ever provided to meet the bonds. The payment of the principal was projected far into the future, often beyond the life of the improvement involved. In 1923 the start was made towards a sinking fund and a definite sum of money was raised by taxation that year and every year since to retire bonds when they become due. In three years, alone, after the adoption of city manager government here the administration in power met a total debt service of $764,614.58. From 1924 to 1928, inclusive, a debt service totalling the gigantic sum of $1,750,617.67 was met. The grand total for nine years of city manager government was upwards of $2,500,000. In the fiscal year of 1927–1928 a total of 43.6 of the tax levy was applied to paying off debts contracted under the old aldermanic form of government.

How were these debts contracted? Not only were improvements financed by long-term bonds but in many cases current running expenses of the government were financed the same way. For example, in 1896 $20,000 of bonds were issued for current expenses and were made payable in 1922 and in 1925 inclusive. In 1898 $125,000 of funding and deficiency bonds were issued. The proceeds went to pay a current debt of $60,695 and a $10,000 bond and interest due. The balance was used for current expenses. The fiscal bond of this issue became due in 1924. These are random instances.

Now take the other side of the picture. In eight and a half years of city manager government, improvements to the amount of $762,017.12 were paid from the budget. During this same time it should be remembered a total debt service of upwards of $2,500,000 was met. For example, a modern air field was bought and paid for out of the budget. Buildings to house machinery of the public works department were constructed and paid for out of the budget. A modern stone-crushing plant was paid for out of the budget, and these are only a few instances. We have one of the finest parks in the state; upwards of $2,000,000 have been spent for modern schools; our power plant and municipal lighting system is easily worth $2,000,000 more, and it is one-third paid for already. Two fine, large bridges have been built and miles of streets have been paved. January 1, 1929, Watertown had a total of $2,357,835 bonds outstanding of which upwards of $1,000,000 were contracted before city manager government went into office.

Observer.

A MODEL ELECTION ADMINISTRATION SYSTEM

REPORT

of the

COMMITTEE ON ELECTION ADMINISTRATION

of the

NATIONAL MUNICIPAL LEAGUE

Prepared by

Joseph P. Harris

Secretary

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FOREWORD

Revelations of the past few years have demonstrated, if indeed further demonstration were necessary, that American election systems are as a rule cumbersome, expensive, and ineffective in preventing fraudulent voting. In a few states popular unrest has led to efforts towards reform and it is to aid such efforts everywhere that the Committee on Election Administration of the National Municipal League presents herewith its report on a model election administration system.

This report is a companion piece to the committee's report on a model registration system, which was published as a supplement to the NATIONAL MUNICIPAL REVIEW for January, 1927. The earlier document has already served as a basis for new registration laws in Iowa, Kentucky, Michigan, Ohio, and Wisconsin. In a number of other states bills framed along the lines of our model registration system have been introduced but as yet have failed of passage.

The present report is more comprehensive than the report of the Committee on Electoral Reform published in the NATIONAL MUNICIPAL REVIEW for December, 1921, and includes the results of experience since that time. To those seeking to improve the election machinery and methods in their home states, it provides a concrete basis for new legislation and it is hoped that it will prove as effective as has the report on a model registration system.

As in the case of the report on registration, the committee is under heavy obligation to its secretary, Dr. Joseph P. Harris of the University of Washington, who prepared the original draft for the criticism of the committee. The final draft published herewith has been revised by him in accordance with the instructions of the committee.

The extensive field work in which Dr. Harris engaged preparatory to this report was done as a member of the staff of the Institute for Government Research of Washington, which is soon to publish his book on election administration in the United States. We are indebted to the Institute for making it possible for Dr. Harris to visit all parts of the United States for a study of election methods.

COMMITTEE ON ELECTION ADMINISTRATION.

TABLE OF CONTENTS

A MODEL ELECTION ADMINISTRATION SYSTEM

Part I—The Case for Election Reform

There is probably no phase of public administration which is today so badly handled as the conduct of elections. Every election contest brings to light gross inaccuracies, irregularities, uncertainty, slipshod practices, and a disregard of the election statutes. In many communities the elections are marked by frauds. The entire country has been shocked by the recent exposure of election frauds in Pennsylvania, Illinois, Ohio and Kentucky, while conditions practically as bad prevail in Indiana, New Jersey, Missouri, and a number of other states. There is much evidence to support the belief that election frauds are still relatively widespread. This condition should not be tolerated. It is entirely feasible to set up an election system under which the purity of elections will be practically assured, even in a spoils-ridden and boss-controlled community. Honest elections already prevail in many of our states, including some of our largest cities. In many states there is never a question about the honesty of the election. This is true also of the Canadian provinces. The enfranchisement of women and the passing of the open saloon have done away with much of the violence, rowdyism, and gross fraud which once dominated the polls. Elections must now be made unquestionably honest and accurate. A sound administration of elections is essential to the maintenance of morale and the respect of the citizen for his government, as well as the election of suitable persons to public office. There can be no doubt that many political machines maintain their control over the government through their control of the election machinery.

Many serious criticisms may be raised against the mechanics of our election systems. In order to meet the ingenuity of election officials and party workers who desire to manipulate the elections, and in an attempt to secure regular and uniform administration, state election laws have been made tediously detailed. They prescribe as nearly as possible how every act shall be done, but are regularly disregarded or openly violated. The election process is tied hand and foot with red tape and formalities, and has become extremely expensive without securing accuracy and honesty. In many states the precinct officers are burdened with useless forms and reports. Often the officers are so busy during the day of election writing these up that they neglect the duties at hand. The election statutes have been drafted by persons unacquainted with the problems of administration.

The cost of elections at present is many times higher than it should be. Taken by and large, the average cost per vote cast approximates one dollar. While this is true in general, there are some communities where the cost is as low as ten cents per vote. In 1928 the cost of elections and registrations in Kansas City, Missouri, for example, was $558,779.58. Three elections were held at an average cost of $186,000 each, and with an average vote of less than 150,000. The city of Winnipeg,

on the other hand, with a registration of 100,000 (approximately half that of Kansas City) and a vote of somewhat less than 50,000, conducts a city election at a cost of about $6,000. Salt Lake City, with a registration of 50,000 voters, conducted its last city primary and election, with a total combined vote of 52,137, at a cost of $5,270.49 for both elections. Other comparisons equally striking could be made. Under a sound election system the cost per vote cast should never exceed twenty-five cents, and in many smaller communities should be less than ten cents.

The constant revision of the election laws also indicates widespread dissatisfaction with the present administration. In practically every state numerous changes are proposed at each session of the legislature, and many amendments are passed, but nevertheless few real improvements are made. The state legislatures have little understanding of the actual working of the election laws within their own states, and are unacquainted with the law and working in other states. Bills are frequently introduced to give some advantage to one political faction or party, with the result that the legislators generally look with suspicion upon proposals to change the election code.

Few states have a workable or understandable election code. In most states the code consists of a mass of statutes which have been passed at various times, frequently with conflicting sections, and usually with many special provisions applying to particular sections of the state. The arrangement is ordinarily poor, and the index meager, with the result that it is difficult to ascertain what the law is on any given subject. Yet in most states the election code is the source of authority and constitutes the only instructions to the county, city and precinct officers. It cannot be wondered at that the laws are often disregarded, and that elections are conducted in a widely different manner within the same state.

It is important that elections should be conducted in a systematic, thorough manner; that the results should always be accurate; that sharp practices and irregularities should be made difficult, if not impossible; that there should never be any question about the integrity of the elections or suspicion cast upon the election officials; that the cost be substantially reduced; and that the convenience of the voter be served better. These results can be secured only by a complete rewriting of the election code in many of our states. It may be admitted at once that election reforms are difficult to achieve, for the political organizations fight vigorously any changes in the election laws which would adversely affect them. The election law is near and dear to the heart of the political machine. On the other hand, no substantial progress can be made until a constructive and comprehensive program is adopted.

Many fundamental principles which now govern the conduct of elections will have to be discarded before a sound system can be secured. Outstanding among these is the practice of turning over the administration of elections to the party organizations. This practice has grown up because of the bipartisan tradition, the feeling that the way to secure honest elections is to "set a crook to watch a crook." In some of our large cities the result has been that our elections have been, indeed, conducted by crooks. Unfortunately a system of crooks versus counter-crooks seldom produces honest elections. Election crooks, as well as others, can make bargains, and they

usually do. The assumption that the two political organizations in our large cities are opposed to one another is generally a fiction. Unquestionably the fundamental election reform is to remove the administration from control by those who profit by election frauds and sharp practices. To be sure, the character of the party organizations varies from state to state and from city to city. In many communities the organizations are respectable, and would not tolerate grave abuses in the conduct of elections, or appoint unscrupulous persons as election officers. As a general proposition, however, the placing of the election machinery in the hands of the party organizations is essentially unsound, and produces bad results everywhere, from time to time. Common sense would dictate that the partisan whose job may depend upon the outcome of an election should have no hand in its administration.

At present a large number of election positions are used as patronage by the party machines. The value of this patronage is fully recognized by the machine, which stands ready to protect it when it is attacked. It is a bad influence upon the political life of the community. The removal of these positions from the political spoilsman would go far to break up the strength of political machines.

Sound organization and definite fixing of responsibility in the administration of elections are imperative. These can be secured only by discarding the bipartisan tradition, by eliminating board control, and by setting up a single commissioner or officer in charge of elections in the city or county, and a single official in control in each precinct. Adequate supervision of precinct officers is also essential.

Many practices have grown up in our election laws which should be discarded as unsound or obsolete. One of these is the use of small precincts, with each precinct a separate entity in itself, subject to little supervision. This system was probably well adapted to the needs of a hundred years ago. Then there were few large cities, the means of transportation were primitive, and streets as well as rural highways were unimproved. There is no longer any justification for the practice. In many Canadian cities it is common for a single voting district to contain as many as 3,000 registered voters. The polling place is located in a large room, and several boards under suitable supervision perform the work. This procedure is fundamentally sound. It makes possible effective supervision and great economies. In this country voting precincts should be increased in size, with each precinct laid out around a building suitable for a polling place.

One of the greatest absurdities in the conduct of elections is that each election, large or small, costs practically the same. The same army of precinct officers must be employed. Now it is well known that there is a wide variation in the vote cast and the actual work involved in different elections. A special election, or even a local or primary election may see a turnout of as low as a fourth or a fifth of the vote cast in a presidential election. The machinery should be adapted better to the requirements. A few states now use a smaller number of precinct officers in minor elections. If larger precincts were used it would be entirely feasible to adjust the election machinery to each election, using in each precinct only the required number of officers to take care of the vote.

The several states have placed great faith in the efficacy of statutes to

secure sound elections. An attempt is made by statute to prescribe every step in the conduct of elections, necessitating many special provisions for populous cities. Practically no use is made of rules, regulations and instructions, which could be issued by an administrative officer or a state board of elections. Election statutes should be materially shorter, and provision should be made for many details to be covered by instructions and regulations issued by the officers in charge of elections. This would make possible improvements from time to time, without involving the legality of an election, and at the same time, would assure greater uniformity and regularity.

Part II—Specifications for a Model Election System

A. State Control of Elections

Specification 1. **There should be created a state board of elections to have general supervision over the conduct of elections throughout the state. This board should issue instructions and regulations governing the conduct of elections, subject to the provisions of state law, exercise supervision over local officials, and act as the state board of canvassers. The secretary of state should be, ex-officio, the secretary and administrative officer of the said board.**

Comment: It is recognized that there is considerable sentiment against the creation of another state board of any kind, though in a sense this is not an additional board, since in practically every state there is already a state board of canvassers. The question in point is whether it would be better to entrust the issuance of regulations and instructions governing the detailed administration of elections to a single state official, or to a board. While it is recognized that a single official in all probability would perform the routine work, it is believed that there is some merit in having such regulations promulgated by a state board. It would lend greater prestige to them, and, to a certain extent, remove the charges of partisanship or unfairness.

The specification does not cover the organization of the state board of elections, either as to the number of members, or their selection and tenure. It is recognized that the political conditions in the several states vary so much as to make it necessary to have variation in the organization. The following alternatives suggest themselves:

1. An *ex officio* board, consisting, say, of the governor, attorney general, and secretary of state.
2. A bipartisan board, consisting of the secretary of state and two other members appointed by the governor upon the recommendation of the two largest political parties within the state.
3. The secretary of state as a single officer in charge of elections, but with the power to appoint an advisory committee to draft the original set of instructions and to revise them from time to time as may be required.

State control of elections constitutes one of the most difficult problems to be solved in the field of election administration. It is easy to point out that the election statutes at present are seriously defective. They are inflexible, poorly adapted to securing efficient and thorough administration, make the cost of elections unduly expensive, and are often inoperative. It is apparent that greater supervision and control of election adminis-

tration all along the line is essential. This is particularly true of precinct officers. The substitution of rules and regulations and instructions prepared by some state officer, preferably the secretary of state, to cover the detailed procedure in the conduct of elections would be a great improvement. In some of our large cities the election board issues suitable instructions for the guidance of the precinct officers, which aid greatly in securing uniform and regular conduct of elections. This practice should be made statewide. In many cities and generally in rural sections at present no instructions whatever, except the printed election laws, are issued to the precinct officers. The statute authorizing the making of such rules, regulations and instructions should affirmatively provide that when made and promulgated they shall have the force of law.

In the conduct of elections there are many forms, records, and blanks. These are usually prescribed by statutes, though a better practice would be to authorize the secretary of state to prescribe these forms. Indeed, these might well be supplied to county and city officers by the secretary of state, and such is the case in the state of New York.

It would be desirable also to have a state office issue instructions to county and city officials covering the handling of elections. This would not constitute an encroachment upon the prerogatives and discretion of the local officers, but would rather take the place of the detailed statutes. Instructions covering the various details of the election would be welcomed by county and city officers, particularly where the elections are handled by the city or county clerk, in addition to his other duties.

It may be objected that this power might be misused by the state office for partisan purposes, or that some clerk in the office, unacquainted with the actual administration of elections, might prepare the instructions. There is not a great deal of danger along these lines. It can be assumed that the state office would be careful not to issue instructions which would cause trouble or arouse criticism, and that it would consult with the election officials before making any innovations. However, if it is desired, it could be provided in the law that the state office should appoint an advisory committee, without salary, to assist in preparing the original instructions, and changes from time to time thereafter when necessary.

B. ELECTION OFFICERS

It may be stated at the outset that no part of the election law is so difficult to change as that which sets up the machinery. Election boards and officers in charge of elections resist any change in their status, and the political organizations actively oppose any measure which would reduce the patronage. Obviously, compromises will be necessary to secure the enactment of an otherwise sound election law. Perhaps at no other point is it so necessary to give way as on the matter of organization. Certainly some variation from state to state is essential because of the political situation and traditions of the state. The following recommendations are, nevertheless, important, and should be carried out so far as possible.

There are a few election offices in this country which are well managed, with competent and vigorous executive control, capable employees in the office and in the precincts. Unfortunately, such is ordinarily not the case. City or county election boards usually consist of persons who have no

particular knowledge of election laws or ability to take charge of election administration. Usually the members of the board are "deserving" party men, who either receive the appointment as a reward for their service to the organization, or are placed there to serve the organization. A striking contrast is afforded in the few cities where the administration is placed in the hands of a single commissioner. Similarly, in many communities, good results are secured with some regular city or county official, such as the city clerk or the county clerk or auditor, in charge of elections. The use of boards in election administration, except for the largest cities, is unwise. Capable persons will rarely seek appointment to such boards. They are usually dominated by the party machines, with the result that the entire election machinery is controlled by the party organizations.

Specification 2. **The administration of elections and registrations should be centralized in a single office.**

Comment: In many states the election and registration work is divided between various offices. In some states the county commissioners, the county clerk, the sheriff, the city council, the city clerk and the police all have a hand in the administration. This leads to bickering, wrangling and shifting of responsibility, and is practically always unsatisfactory. A unified administration works much better.

Specification 3. **A special office should have charge of elections and registrations in cities (or counties) of over 200,000 population. Where the population is less, the administration should be intrusted to regular officers of the city or county.**

Comment: Only in fairly large cities (or counties) should a special office be created to carry on the work of elections. It can be done more economically, and generally better in smaller cities or counties by a regular officer. In a small city or county, where the work is confined to a few months in the year, and the salary is necessarily small, a capable person cannot be secured for a special office. In a few states, Ohio and New York, for example, there is a special office in every county, which conducts all elections (state, county, city, school, and special) within the county. There are many merits in such an arrangement. It unifies the election administration and makes for simplicity and responsibility.

Specification 4. **Where a special office is provided, it should preferably be under the control of a single commissioner, who should be placed under the classified civil service, if such exists, or appointed for a term of four to six years. Where it is deemed inadvisable to create a single election commissioner, a board of two or three members should be provided, with an executive secretary to have charge of the routine administration. Appointment should be vested either with the mayor, manager, or the governor, and the governor should have the power of removal for cause after a public hearing.**

Comment: The practice of having a single commissioner has worked exceptionally well in Rochester, Omaha, and Los Angeles. In a number of other cities real control has been vested in a single individual, though the organization has been in form that of a board. It should be remembered, also, that in many communities a single officer, the city or county clerk usually, has wide control of elections. This arrangement has worked, on the whole, more satisfactorily than a special board.

Specification 5. **Except for jurisdictions where there is a special office, the**

county clerk or auditor should be the chief election officer of the county. He should supply the ballots for county, state and national elections, and, except in cities, should appoint the precinct officers, issue instructions to them, supply the forms and miscellaneous equipment, select the polling places, divide the precincts, and receive the returns and records. Within cities (small cities excepted) the city clerk should be the chief election officer for all elections. He should print the ballots for city elections, appoint the precinct officers, issue instructions to them, furnish the supplies, select the polling places, divide the precincts, receive the returns, and have charge of the elections.

Comment: Where the administration of elections is entrusted to the regular officers of the county or city, several problems are presented. Which county or city officers should be placed in charge? Should a county officer have exclusive control of all elections within the county? Or should city officers have control of elections within cities? If both city and county officers are used, how should the work be divided? What officer should have charge of elections in rural sections, villages and small cities?

The simplest arrangement, and in some respects, the best, is to give some county official exclusive control over all elections within the county. It is generally thought better, however, to have a local election official in cities. This is particularly true of cities of, say, 10,000 population and over, where there is a suitable full-time official, such as the city clerk, who can be placed in charge. In rural sections and small cities, on the other hand, where there is no suitable local officer, the better practice is for the work to be handled directly by the county officer in charge of elections.

In a number of states, county officers have charge of county, state and national elections, and city officers have charge of city elections. This arrangement is undesirable, for it produces two distinct election systems, often with different precincts, different precinct officers, different polling places, and results in considerable confusion. While no arrangement can be entirely satisfactory, it seems best, on the whole, to make one of the regular county officers, such as the county clerk, election commissioner for the county and a similar officer, such as the city clerk, election commissioner for the city. The county clerk would have general control of elections, except for cities where there was a city election officer, and would print the ballots for county, state and national elections for the entire county. The city clerk would have complete charge of all elections within the city, except the printing of ballots for county, state, and national elections. Both officers would be subject to the rules, regulations, and instructions of the state board of elections.

As a general rule, the city council or the county board appoints the precinct officers, divides the county or city into precincts, and sometimes acts as the canvassing board. Better precinct officers will be secured, as a rule, if the appointment is placed in the hands of a single official. The approval by the city council or by the board of supervisors of the redistricting of precincts is usually a matter of form, and the official canvass is a routine, clerical procedure. Responsibility will be centered more effectively and a more vigorous and strict administration secured if all of these powers are given to a single official.

Specification 6. **The office force should be under civil service (if such exists), and in the competitive class, without any provision for bipartisan**

division. Extra employees should be recruited, without regard to partisan affiliation, also from civil service lists.

Comment: Party workers constitute the office force in most of our large cities. Nothing further need be said concerning their abilities. It is essential in large cities with civil service commissions that these positions be placed in the competitive class under the civil service, and removed from political control. The temporary employees are likewise recruited from the party organization ranks in many cities, with poor results. Often unnecessary employees are taken on prior to elections for political purposes.

Specification 7. **Precinct officers. The number of persons used to conduct the election in each precinct should not exceed four (except as provided in Specification 20), and in many communities should be less. One of these persons should be placed definitely in charge, and should have the title of inspector. The other officials should be under the inspector, and should be called clerks. All decisions should be made by a majority vote of the precinct officers.**

Comment: The usual practice is to have a board of from four to seven officers to the precinct. Out of this number, ordinarily two or three do the work, and the others are in the way. To be sure, the procedure in many states is so complex, with so many forms, poll books, affidavits and tally sheets to be made out that the extra persons are needed. Along with the proposal to reduce the number of officers to the precinct goes the proposal to simplify the procedure and records, making it quite within the ability of three persons to handle the work.

While three or four persons are quite sufficient to the precinct, except for heavy elections in large precincts, there should be discretion vested in the officer in charge, so that a smaller number may be used in rural precincts where the number of voters is small, and also in special or minor elections, when the vote will be light and the count easy.[1] In many cases two persons would be ample.

Specification 8. **Precinct officers should be required to be qualified electors of the city or county, of good reputation, and with sufficient education and clerical experience to perform the duties of the office. Residence in the precinct should not be required. There should preferably be no requirement that each of the two dominant parties should be represented.**

Comment: It is much easier to recruit capable precinct officers when it is not required that they reside in the precinct in which they serve. Precinct residence, while normally desirable, is, under certain circumstances, highly undesirable. Often it is necessary to break up a clique under the control of a precinct captain. In many precincts it is difficult to secure the required number of satisfactory persons. The highest type of precinct officers in this country are found in states where precinct residence is not required. Honest elections cannot be secured in many of our large cities without giving the officer in charge of elections discretion in this matter. A few of the large cities where precinct residence is not required include the following: New York City, Detroit, Milwaukee, St. Louis, and Omaha.

The objection is often raised against this proposal that hoodlums and gangsters may be brought into the better

[1] In Boulder County, Colorado, in 1926, five precinct officers sat in one precinct to receive a total vote of only five! Other precincts were only slightly better, and the county clerk reported that it was often difficult to secure the required number of officers.

residential precincts in large cities as election officers. This has not been the experience. Non-residents, as a matter of fact, are used ordinarily only in the precincts where suitable officials cannot be secured, and precinct residents are almost invariably used in the better precincts.

The requirement generally made that the precinct officers shall be divided between the two major political parties is often thought to be sound. In actual practice it does considerable harm. It usually results in the party organizations of the respective parties naming the officers. In many precincts it is impossible to secure representatives of both political parties. In cities where the appointment is made without regard to party affiliation, a much higher type of person is secured, and bitter partisans are kept off the election boards. These boards, though they may all be members of the same political party, do not occasion any charges of corruption or sharp practices. In Canadian elections, which are particularly free from fraud or rumors of fraud, the entire election machinery is appointed by the party in power, without any representation whatever to the other parties. Yet the Canadian elections are conducted in a scrupulous and accurate manner.

In many large cities, however, where the parties are fairly evenly divided, bipartisan election boards are generally considered essential. It is less important that there should be an evenly divided board than that each party should have a representative on the inside, where he can know what is going on, make his voice heard, and testify later, if necessary, to the facts.

Specification 9. **The precinct officers should be appointed by the office in charge of elections for the city or county without dictation from any party or faction. Service should be made compulsory for a period of two years. In large cities applicants should be required to file a written application, stating, among other things, their age, occupation, sex, name of employer if any, length of residence at present address, amount of education, clerical experience, and references, and also to pass a simple examination. If the applicant is unknown, suitable inquiry should be made before appointment. Care should be taken to safeguard against the appointment of persons with criminal records.**

Comment: The qualifications necessary for satisfactory precinct officers are not high. Persons of average education and ability are capable to perform the routine duties, particularly if under supervision. The principal consideration is to secure persons who will see to it that the elections are conducted honestly and that an accurate count is secured. It is obvious that the worst possible procedure to secure such persons is to place the selection in the hands of the political organizations. It is foolish to expect honest elections when the very persons who would profit by fraud, control the machinery of elections, and are held to no responsibility. In a number of states where the officers are appointed without regard to party recommendations the elections are free from even a suspicion of fraud.

The general incompetence of precinct election officers throughout the country is very striking. Persons feeble with age, who have little education and no clerical experience or ability, are appointed. A better type of precinct election officer is needed. No uniform method of making selections, however, can be adopted. In small cities and rural communities the appointing officer may have to rely largely upon personal acquaintance and recommendations made to him by responsible persons, paying little at-

tention to formal applications. In large cities greater reliance must necessarily be placed upon the written application. In addition, a brief examination might be used. Candidates might be required to fill out certain election forms and reports, following printed instructions. A brief interview and a personal rating should be made before the applicant leaves the room. Responsible persons should be urged, and if need be, compelled to serve. It is highly desirable to make service on the precinct election boards compulsory, though in actual practice, this power will seldom be used. Arrangements should be made with business firms to supply a reasonable number of employees, or to permit their employees to serve.

Specification 10. **A term of two years should be used for precinct officers, subject to summary removal by the election office.**

Comment: While it is desirable to insist upon precinct officers serving for at least four years, if they are capable, a two-year term is advisable. Because of changes of residence, many new appointments have to be made at each election. An election officer usually has to serve in one or two elections before he is thoroughly conversant with the duties of the office. If a precinct officer is found to be incompetent or unfit for the office, he should be summarily removed.

Specification 11. **A reasonable salary, determined by the city or county legislative body, should be paid to precinct officers. No payment by the hour should be made to precinct boards.**

Comment: There is so much variation in the prevailing wage scale even within the same state that the statute should not prescribe the salary of precinct officers. It should be set by a local body. Payment by the hour, however, works badly. It results in unreasonable bills and delayed returns.

Specification 12. **A meeting of the precinct officers should be held whenever necessary for instructional purposes. Newly appointed inspectors should be required to attend an instruction meeting before the first election in which they serve.**

Comment: Schools for elections officers are necessary and desirable, from time to time. In a few places they are especially well conducted and are highly successful.

C. BALLOTS

Specification 13. **The office group, or "Massachusetts" type of ballot (which does not have the party circle or emblem) should be used in all partisan elections.**

Comment: There has been a great deal of controversy in this country over the merits of the Massachusetts or office group ballot, versus the Indiana or party column ballot. A majority of the states now use the party column ballot. The political organizations have always fought very bitterly any movement to do away with the party column ballot, with the familiar roosters, elephants, or other emblems at the top of the party column, while independents and reformers have sought to secure the true Australian or Massachusetts type of ballot. The office group ballot does away with the blind voting of the party label with a single cross, and requires the voter to vote individually for each office. This obviously facilitates split voting, and encourages independence and more discriminating voting. With the party column ballot it is easy to vote a straight ticket, but it is not so easy to "scratch" the party ticket, and many voters continue to vote the party ticket straight for fear that they will

spoil their ballot if they attempt to split their vote. Independent voting has become so prevalent in this country that the form of the ballot should facilitate rather than make it difficult. The party column ballot was fairly satisfactory as long as the great bulk of voters voted the party ticket straight, but this is no longer the case.

It may be pointed out, however, that the adoption of the Massachusetts type of ballot will be vigorously opposed in most states by both political parties, and is not essential to the other improvements in election administration here advocated. Although it is included in the model law appended, if substantial opposition to this feature is anticipated, it should be placed in a separate bill.

Specification 14. **Slogans or phrases, following the names of candidates, should not be permitted on the ballot. In partisan elections the name of the party may accompany the names, and in all elections, the officer in charge of printing the ballots should have the power to include the address and occupation, in case there are two candidates of a similar name.**

Comment: Theoretically it may seem that a brief slogan or phrase on the ballot might help the voter in making his choices, but, judging from the experience in Oregon, these miniature platforms are meaningless. Such pious phrases as "Honesty," "Efficient Government," "Reduction of Taxes," "Americanism," are generally used.

There is some reason for including the address of each candidate, but on the whole, it is probably as well to leave it off, except in cases where it is needed for identification of candidates. A political trick frequently used in large cities is to put up an unknown candidate with a similar name to that of a prominent candidate, in order to confuse the public. In such cases the address and occupation of the candidates involved may be added as a means of identification.

Specification 15. **There should be only one ballot at any election (except at a primary election, at which there may be a ballot for each party). This ballot should contain the names of all candidates and all referendum proposals. In states where the ballot is unduly large it may be preferable to provide a separate ballot for the referendum proposals. Suitable divisions should be used to separate the various parts of the election.**

Comment: While it is highly desirable to separate national, state, county and municipal elections as much as possible, it is often confusing to the voter to have several ballots handed to him. In the regular November election of 1928 in Omaha, for example, ten separate ballots were handed to the voters. The better practice ordinarily is to place the entire ticket, including referendum proposals, upon one ballot. In cities where proportional representation is used, a separate ballot is required.

Specification 16. **Presidential electors. The names of candidates for presidential electors should be omitted from the ballot, and, instead, the names of the candidates for president and vice president should be printed. The names of the candidates for presidential electors of each political party should be filed with the state board of elections, and the vote cast for the candidates for president and vice president of each party should be counted for the candidates for presidential electors of the party.**

Comment: This practice is already followed in a number of states, including Nebraska, Illinois, Wisconsin, Ohio and Iowa. It has the substantial merit of materially shortening the ballot, thereby reducing the cost of

printing and making the ballot less confusing to the voter. In Illinois the size of the ballot at presidential elections was cut into half, with a saving of thousands of dollars at each such election. Since the Constitution of the United States expressly provides that the state legislatures shall determine the method of electing presidential electors, there can be no doubt as to the constitutionality of this procedure.

Specification 17. **The names of candidates should be rotated on the ballot to the extent necessary that each candidate may share equally with other candidates for the same office, each position on the ballot. The ballots for each precinct, however, should be identical.**

Comment: It is a grave indictment of our long ballot that it is necessary to rotate the names of the candidates, in order to prevent candidates from profiting by being at the top of the list. That the position on the ballot influences the vote is certainly not flattering to the intelligence of the voting public. As a matter of fact, position on the ballot is important only in minor contests, and particularly where there are a number of persons to be elected to the same office. The rotation of the names is the only means of putting each candidate upon an equal footing. The methods used for the rotation of names at present are unduly expensive, and in some states greatly increase the work of the precinct officers. Where the names are rotated within the precinct, each ballot being different from the preceding one, the cost of printing is excessive and the count made difficult. A better practice is to rotate the names from precinct to precinct, with an identical set-up in each precinct, but even this is unnecessary. The names should be rotated only when it is necessary to change the positions in order to give each candidate equal treatment. To illustrate: suppose there are three candidates for a certain office, and three hundred precincts in the city or county. In the first hundred precincts the order of candidates might be A, B, C; in the second hundred precincts, C, A, B; and in the third hundred precincts, B, C, A. Few changes in the set-up of the ballots would be required to secure the same results now secured by more expensive rotation. Under this system, there is no sound reason why the names should not be rotated in the final election (with the Massachusetts type of ballot), as well as in primary and nonpartisan elections.

Specification 18. **In states where there is appreciable danger of voting frauds and the use of the "endless chain," the ballots should be numbered serially upon a perforated stub. This number should be recorded upon the poll book or voting certificate (hereafter explained) at the time when the ballot is handed to the voter. This stub should be torn off the ballot before it is deposited in the ballot box, and the number checked with the number previously recorded.**

Comment: This procedure is designed to prevent the use of the so-called "endless chain" ballot at the polls, and to safeguard against the use of spurious ballots. In many states it is unnecessary, but everywhere suitable protection should be made to guard against abuses. The number on the ballot is torn off before it is deposited in the ballot box, thereby safeguarding the secrecy of the vote. In several states at the present time the number is recorded on the ballot itself and is left on it when it is deposited in the ballot box. This is the case in Missouri. Theoretically, the ballot may be identified later on as that of a particular voter, and the secrecy destroyed, but actually there are few complaints upon

this score. The election officers in the rush to count the ballots do not scrutinize them to learn how individual voters voted.

Specification 19. **The practice of having one or two election officers sign or initial each ballot before it is handed to the voter should be discontinued. The official seal of the election office or a facsimile of the signature of the election officer of the city or county, in connection with the use of serially numbered ballots, provides ample protection.**

Comment: The signature of the precinct election officers upon each ballot is little protection against fraud. Seldom are the ballots examined to see that they have been properly signed, except in case of a recount, when a number of ballots are always thrown out because of the absence of the signatures, as required by law. This results in the disfranchising of voters through the negligence of the precinct officers. Often the signing of the ballots, particularly when several ballots are used, slows up the voting process. The election officers frequently sign a large number of ballots prior to the rush period of the day, making the signature rather meaningless.

Specification 20. **The contract for the printing of ballots should be awarded to the lowest responsible bidder, after sealed bids have been secured and publicly opened.**

Comment: The printing of the ballots is a considerable item in the cost of elections, and adequate provision should be made to secure bona fide competition in awarding the contract. The city of Milwaukee, it is interesting to note, prints its own ballots at a very small cost.

D. PRECINCTS AND POLLING PLACES

Specification 21. **The provisions in the election laws fixing a maximum number of voters to the precinct should be removed, giving the local election officials wider discretion in the matter. There should be provided, instead, a minimum limit of 400 voters to the precinct in cities, wherever practicable. The state election laws should permit the use of two or more sets of officers for precincts which contain more than 800 registered voters, or the use of additional clerks as may be required.**

Specification 22. **The state law should require that the polling places in cities and incorporated villages be located in public buildings, wherever practicable, without any rental to be paid, and direct the local officers to arrange the precinct accordingly.**

Comment: The size of the voting precinct and the location of the polling places are of more importance than might be supposed. So long as the precincts contain four hundred voters or less each, it is practically impossible for elections to be conducted under any effective supervision in large cities. The use of larger precincts, say one thousand voters, would make it easier to place a responsible person in charge of each polling division, and to have all elections conducted under strict supervision. Until this is done, honesty, accuracy, and regularity cannot be attained in some of our large cities. Even where elections are fairly well conducted at present, this practice would improve the administration.

One advantage of the use of larger precincts is that the number of officers in each precinct may be varied from one election to another according to the vote expected. It is absurd to use as many precinct officials in a light election as in the heaviest election.

Another advantage is that public buildings, particularly school buildings, may be used almost exclusively. Not only does this reduce the cost of elections materially, but improves the tone. The use of basements, crowded

shops, private homes, and other undesirable quarters, especially in the poorer sections of the large city, is often conducive to frauds and violence.

While it may be urged that the increase in the size of the precinct would greatly inconvenience the voters, who would be compelled to walk for a number of blocks to the voting place, this argument is not valid. If little children can walk to the school building every day of school, surely their parents can make the trip once or twice a year to vote. Paved streets, improved transportation, and the universal use of the automobile have relieved the necessity for small precincts. As a matter of fact, the use of larger precincts does not make much difference in the distance which the voter has to go, provided the precincts are judiciously grouped around public buildings. At the present time in many cities the polling places of several precincts are located frequently in the same school building, or are located just across the street from each other. On the whole, the convenience of the voter is served better by the use of public buildings. Even though he may have to go a few blocks farther to vote, he can always be sure of where the polling place is, and there is less need to redistrict the precincts from time to time.

There is no particular reason to provide in the state election law a maximum number of registered voters for the precinct. In many states where such provisions are obeyed, the election costs are greatly increased thereby. In other states, the local officials do not comply with the state law, and in some cities permit the election precincts to become several times larger than the legal limits before dividing. The local officers should be permitted to determine the size of precincts, with a minimum, rather than maximum, limit for cities.

Attention should be called to the English and Canadian practice of having precincts as large as several thousand voters, using a number of sets of election officials to each precinct or polling place. In some European cities the entire vote is cast in a single building. There are many distinct merits in this procedure. The election can be placed under very close supervision, and the machinery adapted to the size of vote expected.

E. ADVERTISING ELECTIONS AND POLLING PLACES

Specification 23. **All requirements of the advertising of elections and polling places should be omitted from the election law and left to the discretion of the state board of elections, except that a copy of the ballot should be advertised. The local officers should be permitted to advertise the ballot either by mailing a copy, preferably reduced in size, to each registered voter, or by newspaper publication within one week prior to the election.**

Comment: A great deal of money is wasted on useless election advertisements. Some of the things which are commonly advertised at a considerable cost include the following: a lengthy notice that an election of certain office is to be held; a long set of instructions to the voter, accompanying the advertisement of the ballot; a list of voting precincts with the polling places of each (the voter does not ordinarily know the number of his precinct); and (of all things) a street description of the boundaries of the precincts.

The official ballot should be advertised in a way to reach a maximum number of voters. There is much merit in the practice, followed in some states, of mailing a sample ballot to every voter a few days before the election. In some cases this could be done at a cost which would be little more than the cost of advertising.

The sample ballot mailed to the voters should be considerably reduced in size, in comparison with the official ballot. It would be well to suggest to the voter by a suitable notice on the sample ballot that he mark his ballot ahead of time and take it with him to the polls for guidance in marking the official ballot. This is done already by one of the party organizations in Omaha (the ballot sent out is not marked for the candidates of the party), and is said to work well.

F. THE CONDUCT OF ELECTIONS

Specification 24. **In cities of 10,000 population and over the hours of voting should be ordinarily from 7 A.M. until 8 P.M.; elsewhere the hours should be fixed by the state board of elections.**

Comment: The more common practice is to open the polls earlier and close them earlier than the hours mentioned above. Few votes are cast early in the morning, but it is a great convenience to the voter to keep the polls open until eight o'clock at night. The absurd practice of closing the polls at four or five o'clock in the afternoon was written into the law years ago to suit the convenience of rural sections, with the thought that the farmers would have to vote early enough to go home and attend to the chores before nightfall. To open the polls earlier in the day than seven o'clock places an unnecessary hardship upon the precinct officers, and makes the position undesirable. Thirteen hours should be sufficient. Perhaps the state law should leave the determination of the hours of voting to the local authorities, making it possible to vary them according to the habits of the community.

In rural districts and in small cities the hours for voting may be shorter, closing the polls several hours earlier. It is suggested that this should be left to the state election board. In view of the light vote cast during the morning hours, it might be well in cities, particularly for the minor elections, to fix the hours from 1 P.M. to 9 P.M.

Specification 25. **Election equipment should be delivered to the polling place prior to the election. Registration books, ballots and other records or supplies should be delivered to the residence of the inspector, or to the election officers at the polls on the morning of the election, and a receipt secured.**

Comment: The usual practice of requiring several of the precinct officers to call at the election office for the supplies is absurd. In many cities one of the most disagreeable features of service on the election boards is the necessity of making frequent trips to the city hall or county courthouse. In many cities the election records and supplies are turned over to the police for delivery to the precinct officers on the morning of the election, with very satisfactory results.

Specification 26. **Procedure at the polls. The voter should sign a voter's certificate, giving his name and address, and present this to the officer in charge of the register. This officer should compare the signature with that on the registration record, and if satisfactory, note on the registration record that the voter has voted, approve the certificate and hand it back to the voter. The voter then should present this certificate to the officer in charge of the ballots, who should record on the certificate the serial number on the ballot stub, and hand a ballot to the voter. The voter should then enter a voting booth alone, mark his ballot, fold it, return to the officer in charge of ballots and give the ballot to him. This officer should then check the serial number on the ballot stub to see that it is the same ballot handed to the voter, tear off the stub, and place the ballot in the box.**

Comment: This would greatly reduce the work of the precinct officers, and make it entirely feasible for three persons to handle as many as a thousand voters with ease. The routine work would be done by the two clerks, and the inspector in charge would settle any problems or questions which might come up, take care of voters who require assistance, relieve the clerks when they have to be away, and assist otherwise as may be necessary.

The typical procedure at the polls is antiquated and clumsy, requiring from four to seven officers to take care of several hundred voters. Ordinarily two poll lists, or lists of voters, are made out, requiring two clerks to do this work. There is no need for two poll lists; one is sufficient. The signature of the voter, together with his address, either in the form of individual voter's certificates, or in the form of a signature poll list or "roster of voters," constitutes a much better poll list, and does not require the use of a poll clerk to prepare it. Individual certificates are somewhat preferable to a bound book for the voter to sign in, since a number of voters may be signing at the same time, and the certificate form may be used more readily in comparing the signature with that on the registration record, and in handing out ballots. This procedure is used in Minnesota cities with excellent results. The roster of voters, however, such as is used in California—a small bound book in which the voter signs—is satisfactory.

In the election laws of the various states many useless steps are provided in the procedure at the polls. In several states the poll list is supposed to be made out as the voter hands his ballot to the officer in charge of the ballot box, instead of when he is checked off the register. In almost every state the election officers have to initial or sign the ballots, and sometimes there are several ballots to be signed. Often this slows up the voting. Ordinarily a considerable amount of writing by the election officers is involved, which takes time, makes it necessary to have small precincts, and serves no useful purpose.

Especial attention should be called to the requirement of the signature and the comparison with that on the registration record. This is a very important provision. The signature identification is undoubtedly the most effective procedure which can be taken at the polls to prevent voting frauds. A written record is made of every vote cast. The voting of dead voters, or of fictitious persons or persons who have moved, becomes dangerous if not impossible. The election officers cannot write into the poll lists the names of voters who failed to appear to vote, and put ballots into the box for them, without incurring the danger that this fraud will be discovered if the records are examined. The signature identification is practicable. It is successfully used in New York City and the other cities of the state, in Minnesota cities, Omaha, and California, and is provided in the new registration laws of Ohio and Michigan. Very few voters are unable to sign, and these voters can be taken care of by means of an oath, or a witness who signs for them, or an identification statement, such as is used in New York. The signature at the polls speeds up rather than retards the conduct of the elections. In New York state the procedure for securing the signature and making the comparison is particularly clumsy, yet no difficulty or delay is encountered in precincts which run over 500 registered voters. The signature of the voter at the polls should be a uniform requirement throughout the country, regardless of the other election provisions.

Specification 27. **The voter's certificates should be placed in a suitable binder or locked box, and at the close of the polls should be sealed and constitute the official poll list.**

Comment: This is the Minnesota practice and has worked well. The useless procedure of having two clerks prepare poll lists should be done away with. In the place of the poll list there would be the certificate of the voter, with his signature and the number of the ballot which was given to him recorded on it. The form of the voter's certificate might be substantially as follows:

VOTER'S CERTIFICATE

General Election November 6, 1930

I hereby certify that I am qualified to vote at this election.

Name .....

Address .....

Ballot Number.....

Specification 28. **Assistance to voters. Assistance should be given only to voters who state under oath to the inspector that they are physically unable to mark their ballot without assistance. No assistance should be given to the illiterate voter. A notation should be entered on the voter's certificate, and either an election officer or a member of the voter's household should accompany him to the voting booth, read aloud to him the names of the candidates for each office and mark the ballot according to his oral instructions.**

Comment: In many cities the so-called assistance to voters constitutes a grave abuse. Controlled voters are intimidated and required to ask for assistance, regardless of whether they actually need it, and in some precincts the political worker accompanies the voter to the booth. This should never be permitted. Statutory provisions designed to prevent this abuse are apt to be disregarded. The only effective means of regulating assistance is to prohibit it, except to persons physically unable to mark the ballot, and even this provision may not prevent the abuses. The voter should be required to take oath that he is physically unable to mark his ballot without assistance. In New York and California no one may secure assistance unless when he registered he stated that he would require assistance, and this fact was recorded on the registration record. This feature should be included in all new registration laws. An evil which has sprung up in some cities is the practice of the party machines of giving the controlled and ignorant voters a printed list of persons to be voted for, with instructions to ask for assistance and to hand this list to the election officer to have the ballot marked accordingly. This practice should be prohibited by requiring the assisted voter to instruct the officers orally how to mark his ballot.

Specification 29. **Challenges. Any election officers or watcher should have the right to challenge any person who has applied to vote. The challenger should be required to state a definite ground upon which the challenge is made, to support this with a brief statement of the facts or his belief, and to sign the challenge. The inspector in charge should then place the challenged voter under oath, interrogate him concerning his qualifications as a voter, and before permitting him to vote, explain to him the pertinent qualifications and require him to sign an affidavit covering the qualifications upon which he is challenged. A standard form for recording each challenge should be used. The number of the ballot given to the challenged voter should be recorded on the back whereof. The voter should not be permitted to vote if, according to his answers, he does not possess the nec-**

essary qualification, or if he refuses to answer any pertinent questions put to him or to take the required oath. The election office should also have the power to make challenges, upon evidence that the voter is not qualified, by attaching a challenge notice to the registration record. The challenge notice should state the grounds of the challenge, with a blank for the precinct inspector to make an entry if the voter appeared.

Comment: In many communities challenges at the polls are almost unknown. In other places, however, they are highly important. There should be a concise written record made of each challenge, which should be preserved and turned in with the other records. The precinct inspector should report to the election office if he has reason to believe that challenges are being made to obstruct and delay the election. If upon investigation, it appears that such is the case, the chief election officer or his deputy should have the offending persons arrested.

Specification 30. Any civic organization or committee of citizens interested in the outcome of an election, and in partisan elections each political party, should be permitted, upon petitioning the election office ten days prior to an election, to appoint two qualified electors as watchers for any and all precincts, with suitable credentials. Such watchers should be permitted to compare the signatures of the voters, scrutinize the ballots as they are being counted, but should not be permitted to handle the ballots, either during the day of election or during the count.

G. THE COUNT

Specification 31. The state board of elections should prescribe the method of counting ballots and making returns, and instruct the precinct officers in their duties. The regulations and instructions should be varied somewhat from election to election, to meet the particular requirements of each, and improvements should be made from time to time.

Comment: The existing laws governing the counting of ballots are unsatisfactory. In most states they provide that each ballot shall be called off by one officer, while another officer looks on or checks the ballot, and that two clerks shall tally the vote as it is called off. Ordinarily this method is not followed by the precinct officers, who devise their own system, and frequently divide the work up, using bystanders and watchers to help out. In a few states the procedure of counting one ballot at a time, as it is called off, is prescribed by law so rigidly that it is followed, with the result that the election officers are forced to count for long hours, often until late in the following day, or even later. It has been suggested by some election officials that the law should make no attempt to prescribe the method of counting, but leave it entirely to the precinct board.

In other respects the method of counting the vote generally employed is unsatisfactory. Recounts prove over and again that the count is highly inaccurate. A recent recount in Milwaukee, for example, which has one of the best election administrations in this country, showed that in 123 precincts recounted, only one precinct had accurate results. And only one office was recounted! It is impossible to expect precinct officers to be able to count accurately after they have been on duty twelve hours or more, and then have to count the ballots far into the night.

The system of counting should be devised to prevent the delay in the returns, which is an invitation for fraud in some of our large cities; make it possible to employ extra persons as they

are needed; fix the responsibility for the accuracy of the count; and furnish a more suitable and uniform procedure. Accuracy is out of the question with the conditions under which ballots are counted at present. One solution of the problem is the voting machine, and it must be conceded that accuracy can be secured only by a mechanical count.

These results can best be secured through administrative rules and regulations, issued by a state board of elections, in consultation with the local election authorities. The instructions will require variation from one election to another, for the work of counting ballots varies considerably at different elections. The rules and regulations governing the count should be worked out with great care when first issued, but modifications will be found necessary from time to time. Most of the gross irregularities and inaccuracies which now mark the counting of ballots can be avoided by regulations which prescribe more practicable methods.

The state board of elections might adopt or permit one or more of the following systems for the counting of the ballot (where paper ballots are used):

1. The count to be made by the regular precinct officers, continuing after the close of the polls until the count is completed.

2. The count to be made by the regular precinct officers, supplemented in heavy elections by additional clerks who go on duty at the close of the polls, or earlier for use during the rush hours.

3. The count to be conducted by a separate set of precinct officers, coming on duty some time during the day of election, or at the close of the polls.

4. A central count made by separate counters under supervision.

It is recognized that each of these systems has some advantages and disadvantages, and which method should be followed may depend rather largely upon the conditions in the particular state and at the particluar election. Indeed, the state board of elections should have the power to authorize or prescribe different methods to be used as the circumstances require.

The count by the regular election officers of the precinct has the merit of simplicity, a somewhat better fixing of responsibility for the honesty of the election than if the count is made by different persons, and works satisfactorily in many elections. In some elections it works badly. The officers are tired at the end of the day of the election, and if the size of the ballot is large or the number of votes cast is considerable, the count may continue far into the night, or even until the following day. Under such circumstances errors are inevitable. It is not wise public policy to require the election officers to serve continuously for periods of twenty to twenty-four hours, or even longer. It makes it difficult to secure satisfactory officers. The use of the regular election officers frequently makes it imperative to have small precincts, thus greatly increasing the cost of the election.

The second method is identical with the first, except that provision is made for the use of additional clerks to assist in the count, particularly if the election is heavy. In many states an unnecessarily large number of precinct officers are used throughout the day because they will be needed during the count. In other states small precincts are used at an excessive cost as a means of keeping the job of counting within the ability of the regular precinct officers. Both practices are unwise. Our election administration is often wooden and inflexible. Provision should be made for the recruitment

of additional clerks to be used during the count, or perhaps to start work at five or six o'clock in the evening to assist also during the rush period of the voting. Capable persons could be secured readily for these hours, coming after the close of ordinary business hours. In many light elections there would be no need for the employment of extra persons to assist in the count, but in heavy elections their use would speed up the count and greatly relieve the regular precinct officers. Substantial economies could be secured through the use of larger precincts with a smaller number of election officials during the day.

The third system, that of using a separate counting board, is used in the following large cities: Omaha, Denver, Salt Lake City, and Portland, Oregon. It is also used in other cities in the states in which these cities are located, and within several other states. It was used for several years in New York City, but was given up, even before the use of voting machines became compulsory. Generally speaking, it is not satisfactory. One of the principal objections is that the returns are given out during the day of election, although the state laws strictly forbid it. In some communities where the counting board is used it is said that the candidates congratulate each other upon victory by the middle of the afternoon. On the other hand, in Omaha, where the count is handled with greater strictness, no particular trouble has been encountered on this score.

Where a separate counting board is employed the cost of the election is very materially increased. More precinct officers are required, and the compensation is smaller for each officer, with the result that it becomes more difficult to secure competent persons. If the count starts before the close of the polls, a separate counting room is required, and sometimes there is danger that the count may be conducted under conditions not favorable to honesty and accuracy.

The principal argument for a separate counting board is that the work of counting the ballots in certain elections is so arduous as to make it practically impossible for the work to be done by the regular election officers, at least within a reasonable time. The use of a separate board makes it possible to secure the election returns several hours earlier.

The fourth system, that of a central count, has been used very little in this country. It was tried in San Francisco a number of years ago and was abandoned after trial for several elections as impracticable. The returns were delayed for several hours, and one election was reversed upon recount.

The cities which use proportional representation (Cleveland, Cincinnati, Hamilton, Ohio; Boulder, Colorado; and until 1929, Ashtabula, Ohio), have a central count, but the conditions are so different that no conclusions for or against a central count can be drawn. The central proportional representation count is for members of the city council only, and in the larger cities the returns are delayed for several days. In all of these cities, except in Cleveland prior to 1929, the count has been conducted in an accurate and satisfactory manner.

The advantages which obtain with a central count are that the work can be done under supervision, and by a corps of clerks selected because of their clerical experience. The disadvantages are that the arrangements are difficult to make, delays in getting returns are almost inevitable, and the counting conditions are apt to be such as to make it difficult to do the work accurately.

The state election laws governing the conduct of the count practically all

require the entire election board to count as a single unit, prohibiting the division of the work so that it may be carried on by two or more teams. In actual practice, many election boards divide the work up so that the count is conducted by two teams simultaneously in order to complete the work within a reasonable time. This is done contrary to law, and without adequate records to safeguard against frauds and errors. A great improvement would be made in the count if the work were divided in some orderly manner, with suitable records, and the election boards permitted to divide into two counting teams. The most feasible manner would be to divide the ballots into blocks of one hundred each, and provide a separate tally sheet for each block, which would be attached to it after the count was completed. The two or more teams could count one block after another, recording the results on the tally sheet for the block, with the names of the members of the team, and later consolidating the individual tally sheets into a precinct return sheet. In partisan elections, where party column ballots are used, straight ballots should be separated from the split ballots, and counted separately before the split ballots are counted.

Specification 32. **The state board of elections should prescribe the number, form and disposition of tally and return sheets.**

Comment: The form of the original tally sheet for each block of 100 ballots, which should constitute one of the official returns, should be somewhat as follows:

TALLY AND RETURN SHEET — NUMBER OF BALLOTS.....

Ward ..... Precinct ..... Called by .....
Tallied by .....
Approved by .....

For Governor

Robert Jones	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 (and so on to 100) (Printed small)
Samuel Smith	(as above) .....
Void and blank	(as above, but fewer numbers to tally) .....
	Total .....

There are several merits in the above form of a tally and return sheet, though the exact form should be prescribed by the state election board. It does away with the tediousness of entering four lines and a tally in small squares and makes for greater accuracy. The person making the tally would simply draw a line through the next number for each candidate as a vote is called for him. By keeping a record of the void and blank votes, and by adding the total votes for each office group, the accuracy of the count can be checked, and errors corrected.

From the original tally sheets for each block of 100 votes the official return sheet for the precinct should be prepared. Three copies should be made, two of which should be carbon copies. Two of these should be turned in to the election office, one copy to be given to the press, and the third copy should be mailed to the state board of

elections in a stamped envelope provided for that purpose, as a safeguard against possible alterations. The original tally sheets should be attached to the blocks of ballots.

H. VOTING MACHINES[1]

Specification 33. **The state election law should authorize the use of voting machines under conditions whereby the maximum economy of operation may be secured, consistent with satisfactory operation. The size of the precincts should not be prescribed by law, but should be determined by the election commissioner, so that they may be as large as conditions will permit, and the number of officials used to the precinct should likewise be left to the discretion of the officers in charge of elections. Local units of government should not purchase machines, however, until they had been used experimentally in several elections, in order that the proper machines may be purchased, and the average capacity of each machine under local conditions may be determined.**

Comment: Voting machines have been in use in New York state for more than thirty years. Rochester was the first large city to install them, purchasing some machines in 1898. Buffalo and Syracuse followed suit in 1900, and the use of machines spread quite rapidly in the state, though New York City did not buy machines until 1925, and was not fully equipped until 1929. At the present time some two thousand communities in the following states use voting machines:

States Using Voting Machines in Part
(Listed in order of the extent of use)

New York	California
Connecticut	Michigan
Indiana	Wisconsin
Iowa	Pennsylvania
Washington	(being installed in 1930)

A list of the large cities in the United States using machines, including the Pennsylvania cities installing machines this year, includes the following:

[1] Two members of the committee, Honorable H. A. Nichols of Rochester, New York, and Honorable J. H. Zemansky of San Francisco, have had practical experience over a period of many years with voting machines, and both are enthusiastic advocates of machine voting. These members would prefer that the report endorse voting machines in stronger terms. Speaking of his experience with voting machines, Honorable J. H. Zemansky writes:

"Voting machines were first used in San Francisco in 1905. All machines were destroyed by fire in October, 1906, except 53. From 1906 to 1923 paper ballots were used in all elections. The ballots were large and difficult to count. Every method was tried to quicken the count. One method was the central counting. All the ballots were brought to a large auditorium and there counted by a new set of clerks, all of whom had passed a civil service examination to qualify. This method was tried at four different elections without success. The length of the time for counting was not changed nor was the count as good as those counted at the polls. At a recount of the votes cast under this method, the original results were changed. It was revealed also that about 25 per cent of the people made errors in marking their ballots.

"Machine voting was again considered and after a thorough canvass of those in use, it was resolved to again apply machine voting and counting. In 1923 fifty machines were purchased. They were a success from the start. Our only difficulty was to educate the public. At each election since 1923 more efficiency has been accomplished; at the election held November 5, 1929, not a single complaint was made as to the use of machines. San Francisco will never go back to paper ballots. The press, public bodies, and the public in general have openly declared for the continued use of voting machines."

Honorable H. A. Nichols states: "In my opinion there is no good argument against the voting machine. I honestly believe that they are the best method of voting yet devised. . . . To sum up the whole question, the voting machine is honest, accurate, economical and efficient, and no municipality will regret adopting voting machines."

LARGE CITIES USING VOTING MACHINES

New York City	Syracuse
Philadelphia	Los Angeles (part)
Pittsburgh	Des Moines
Buffalo	Hartford
San Francisco	Grand Rapids
Seattle	Tacoma
Indianapolis	Oshkosh
Rochester, N. Y.	

On the other hand, a number of cities and counties in various states have tried voting machines and, for one reason or another, have discontinued their use. A list of the large cities which have thus discontinued the use of voting machines includes the following:

LARGE CITIES WHICH HAVE DISCONTINUED THE USE OF VOTING MACHINES AFTER TRIAL

Chicago	Denver
Milwaukee	Salt Lake City
Minneapolis	Los Angeles (now resumed)
Omaha	Portland
Newark	Racine
Jersey City	

The reasons for the discontinuance of machines have varied from state to state, and in many cases had little to do with the merits of the machines. Some places discontinued the use of machines years ago before the machine had reached its present perfection, others did not give the machines a fair trial; while in several states the election laws were amended in some manner so as to make it impracticable to continue the use of machines. In Chicago the scandal in connection with the purchase of the machines precluded their use. In many communities the machines have been discontinued because the polls became badly congested at an election shortly after the machines were installed.

At the present time there is a considerable movement for the adoption of voting machines in the states where they are not now used, or are used only in part. The large cities in Pennsylvania voted overwhelmingly to adopt voting machines in 1929, largely as a means of preventing flagrant voting frauds. Under a recent decision of the Ohio Supreme Court, voting machines may be used in that state[1] and the legislature provided for their use in the new election code of 1929.[2] Several of the larger cities of the state are actively considering the adoption of machines.[3] Voting machines are at present being pushed in Boston, Detroit, Baltimore, Cleveland, and a number of other large cities, and it is quite probable that the next few years will see a substantial spread of their use.

The principal merits claimed for the voting machines are the following:

1. Accurate returns.
2. Reduction or elimination of many types of voting frauds.
3. Quick returns.
4. Secrecy.
5. Elimination of mistakes by the voter.
6. Avoidance of recounts.
7. Economy.

The election returns under the use of voting machines are mechanically accurate, barring a breakdown of the machine, which is extremely rare. The other principal possibility of an error is that the precinct officers may make mistakes in reading off and recording the counters on the machines, which is not great. Where paper ballots are used, and the vote is counted by tired election officers at the end of a long day, many mistakes are inevitable. Every recounted election case brings out the fact that errors in the count are the rule rather than the exception.

Ballot-box stuffing, falsification of

[1] *State, ex rel.*, v. *Sprague*, 117 Ohio State 289 (1927).

[2] *Ohio Legislative Acts*, 1929, pp. 382–385.

[3] See a report by the Ohio Institute, "An Analysis of the Desirability of Installing Voting machines in Ohio Cities," May, 1930.

returns, and alteration or substitution of ballots at the close of the polls, are the principal types of election frauds which have prevailed within recent years in Chicago, Philadelphia, and Pittsburgh and other large cities. While it cannot be claimed that the voting machine will eliminate all frauds, it will make it difficult to carry on these principal types. The system of lock and seals used on the voting machines makes it impracticable to manipulate them, and the actual experience in cities where they are used is that they are rarely, if ever, manipulated. Voting machines are being installed in Pennsylvania primarily as a means of preventing voting frauds.

The third advantage of voting machines is the quickness of the returns. In light elections, at which only a relatively few offices are filled, it is common for the results to be known within one or two hours after the close of the polls. In the larger election, the time required is longer. The voting machines tend to preserve the secrecy of the vote more effectively than paper ballots, since the voter is completely curtained from observation while voting, and there is no paper ballot to identify later on. The machine is set so that the voter cannot vote for more than the proper number of candidates for each office, and hence cannot spoil his ballot. Not only that, but he does not have a paper ballot to deface or improperly mark, and thereby have it thrown out. It should be pointed out, though, that he may mistakenly pull down the wrong levers, or may spoil his vote by putting them up before recording his vote, or be hurried into straight voting. Recounts are rarely employed where machines are used, because the candidates feel sure that the results are accurate. If fraud is suspected a recount can be had easily and economically, merely by unsealing the machines and re-reading the counters.

The last argument for the use of the machines is the economies which they effect. The cost of elections is lessened by the use of larger precincts, fewer officials to the precinct, shorter hours and consequently smaller pay of the precinct officers, and a smaller cost of printing ballots. With voting machines, it is practicable to use several machines to the precinct, and have a thousand or more voters to the precinct. As a matter of fact, this is not ordinarily done, and the size of precincts where machines are used are not, on the average, appreciably larger than where paper ballots are used. There are numerous precincts in Massachusetts and Wisconsin which run well over a thousand voters, though paper ballots are used. The claims made as to the number of persons who can be handled on a machine are often exaggerated. Even in the banner year of 1928, the average number of votes cast per machine in New York City (including the machines kept in reserve) was 384, while the average in San Francisco was 153. In other years with a smaller vote, the average number of votes cast per machine is much smaller.

Fewer officials are required for each precinct if voting machines are used. In some states only three officials are used with machines, with an extra officer for each extra machine. In other states the election laws do not permit the use of a smaller number of precinct officers. The savings, however, in the salary of precinct election officers is usually substantial. The savings on the printing of ballots are small, for the cost of printing the ballot labels for the machines approximates the cost of printing ordinary paper ballots, and ordinarily paper ballots

have to be printed for the use of absent voters.

Most claims of the savings which voting machines will effect fail to take into account altogether the capital outlay, with the proper interest and depreciation charges. This, indeed, is one of the largest charges in the use of machines, and in many cases equals or exceeds the savings made on other items. While there is little wear upon voting machines, since they are usually used only two or three days in the year, the risk of obsolescence and the possibility that the election laws may be changed so as to prevent the use of machines should be considered in estimating the operating cost of voting machines. Account should be taken also of the cost of setting the machines for elections, drayage and storage. The actual savings made by the use of machines in most states, after these factors are taken into account, are very small. Machines should not be purchased ordinarily with any thought of effecting substantial economies. The real merits of machines are that the results are accurate, the danger of fraud is greatly lessened, the returns are secured within a short space of time, and expensive recounts are avoided.

The arguments commonly raised against voting machines are these:

1. It is difficult to educate the voter how to operate the machine.
2. They are likely to break down at the polls.
3. Many cities have discontinued them after trial.
4. They make "split" voting difficult.
5. They may not be used for proportional representation elections.
6. The economies claimed will not be realized.
7. They cannot handle the rush of voters toward the end of election day.

Several of these considerations have already been discussed. It cannot be denied that considerable difficulty is encountered in teaching people how to vote on the machine, even in places where they have been in use for years. Nevertheless, the vast majority of the general public seems to be quite enthusiastic about machines in the cities where they are used. The effective and satisfactory use of machines in New York City, with its large foreign population, would indicate that they may be used successfully anywhere, if a sufficient number of machines is provided. The argument that the machines may break down during the day of the election is unimportant, for breakdowns are extremely rare.

There is little evidence to support the assertion that the machines make split voting more difficult. The present machines, obviously, cannot be used in proportional representation elections, but this is not a weighty argument against them, since only four cities in this country have proportional representation, and even these cities could use voting machines for all other elections, and for the election of other officers at the time when proportional representation is used. The greatest fault which can be found with the machine is the fact that it cannot take care of a large number of voters within a short space of time, and often results in congestion at the polls. After the voters realize this, many of them vote earlier in the day to avoid the rush, and the machines work satisfactorily. Congestion, however, has led some cities to discontinue their use.

I. ABSENT VOTING

Specification 34. **All persons who are absent or who expect to be absent from the city or county in which they reside, or who are unable because of illness or infirmity to attend the polls, should be permitted to vote under the provision for absentees, regardless of**

whether they are within their home state or not.

Comment: Most of the states now have some provision for absentee voting. In some states these provisions apply only to a narrowly restricted class, or to persons within the state, which is undesirable. There is no point whatever in restricting absent voting to certain classes, such as traveling salesmen, federal and state employees, railway employees, or other specified groups. Other persons who will be absent or unable to attend the polls should be permitted to vote in this manner. With a suitable procedure, the danger of fraud through absent voting is not appreciable. In practically all of the states the procedure followed is quite cumbersome and unsatisfactory. Usually it is burdensome upon the voter who wishes to avail himself of the privilege, with the result that few voters make use of absent voting. Absent votes average less than one per cent of the total votes cast.

Specification 35. **Procedure. The two following optional methods should be provided:**

1. The voter should be permitted to vote by applying at the election office during the week prior to the election, upon signing an affidavit that he expects to be absent on the day of the election.

2. The election office should mail an absent voter's ballot, together with the necessary blanks and instructions, to any voter who makes a written application therefor. It should not be required that the voter submit such application upon any particular form, or have the application accompanied by an affidavit. The absent voter should be instructed to appear before an officer qualified to administer oaths, subscribe to the affidavit, mark the ballot in the presence of the officer, but so that the secrecy is preserved, place the affidavit and the folded ballot in an envelope, and mail it to the election office in time to arrive on or before the day of the election.

Comment: If the voter expects to be absent on the day of election, but is at home during the preceding week, he should be permitted to vote ahead of time by appearing at the election office and subscribing to the customary affidavit. This would be a great convenience to many voters, and is used in a number of states.

Ordinarily the absent voter must write to his home election office to secure the necessary application and affidavit form to vote by mail, then he must fill these in and appear before a notary, and mail the application to the election office to secure an absent voter's ballot. Upon receiving the ballot, he must appear again before an officer authorized to administer oaths, subscribe to another affidavit very similar to the first one, mark the ballot and leave it to be forwarded. There is no necessity for two affidavits and the red tape of writing for a formal application blank. All of this causes delay and prevents the full use of absent voting. In some states where there is a scarcity of notaries the voter should be permitted to have his affidavit witnessed by two qualified electors in lieu of a notary.

Specification 36. **Counting the ballots of absent voters. The absent voters' ballots received prior to the sending out of the supplies should be sorted by precincts and turned over to the precinct election officers with the other records. In cities, such additional ballots as are received until noon of the day of the election should be sent to the precincts by a messenger. The precinct officers should open the absent ballot envelopes, compare the signature on the affidavit with the signature on the registration record,**

and if satisfactory, deposit the ballot in the box.

Comment: The simplest and most effective method of handling absent voters' ballots is to have them counted in the precinct with the other ballots. This preserves the secrecy of the ballot, makes the precinct returns complete, permits a ready identification of the voter by the use of the signature, and avoids the necessity for marking the registration record of the voter to indicate that an absent voter's ballot has been sent to him.

J. THE CANVASS

Specification 37. **The officer (or office) in charge of elections should make the official canvass of the election as soon after the election day as practicable, publicly announce the results, and issue certificates of election to all persons duly elected.**

Comment: The canvass of the vote is ordinarily a routine clerical operation. Little or no discretion is vested with the canvassing board, and there is no sound reason why the city clerk or other officer in charge of elections within a city should not make the official canvass for all city officers, the county clerk for county officers, and the secretary of state for state officers and also for officers whose jurisdiction overlaps counties. The common practice at present is for the official canvass to be made by a canvassing board or by the legislative body. In Canada, however, the returning officer in charge of the election makes the official canvass and return as soon as possible after the close of the election. In some states a special canvassing board performs this routine work at a large expense.[1] In other places, the canvass is not completed for weeks after the election day. These practices are inexcusable. The newspapers usually have the tabulations complete practically as soon as the last precinct return is in. There is no reason why the official canvass should take more than two or three days.

K. RECOUNTS

One of the greatest safeguards of the purity of elections is to provide an easy, economical, and prompt procedure for a recount of the votes. Ordinarily the procedure is for the contestant to appeal to the proper court for an order to have the ballots recounted, and the recount is conducted under the jurisdiction of the court. In New York, however, there is no official recount, though the ballots may be recounted or the machines inspected, upon a court order, and the results submitted as evidence in a *quo warranto* proceeding. A better procedure would be to permit the election office to conduct recounts without the necessity for a court order.

Specification 38. **Any candidate or group of candidates should be permitted to secure a recount by filing within ten days after the results of an election are officially announced a petition therefor, and depositing the sum of five dollars per precinct for each precinct petitioned to be recounted. The election officer (without any discretion in the matter) should fix a date within forty-eight hours at which time the recount will be started, and notify the candidates for the office. At such recount the officer in charge of elections should deputize teams of four persons to count the ballots for the particular office in question. Each candidate should be permitted to have**

[1] In Jefferson County, Kentucky, for example, the cost of the official canvass for the November election in 1928 was $5,078, and for the corresponding election in 1929, $6,290, while the cost of the precinct officials for the conduct of the 1928 election was only $9,517.28. In 1929 the chief tabulator in the canvass was paid $500, the assistant tabulator, $350, 16 tabulators at $200, and so on.

watchers present at the count, who should be permitted to scrutinize the ballots. The recount should be conducted under the same rules and regulations as govern the original count, and should be conducted with promptness and dispatch. The seals on the ballot boxes should be broken in the presence of the watchers as the recount is conducted, and the ballots returned to the boxes and sealed as each precinct is counted. While the recount is in progress any candidate concerned should be permitted to amend or to withdraw his petition or to file an original petition to have designated precincts recounted.

If the cost per precinct is less than five dollars, the surplus should be refunded. If the result of the election is changed, the entire amount deposited by the contestant should be refunded to him. The candidates should be permitted to designate the precincts which they wish to have recounted and to amend and add to the list from time to time.

If the vote for any candidate recounted or upon any referendum question recounted is five per cent greater or five per cent less in any precinct than the original return showed, the petitioner should not be required to pay for the recount in that precinct.

Any qualified elector should be permitted to secure a recount on a referendum vote upon filing a petition designating precincts and depositing a fee of five dollars per precinct, within ten days after the official returns are published, with the same rules as above.

Comment: The above procedure would not remove jurisdiction from the courts, but would rather precede it. The problem of a recount under proportional representation is quite different from other elections, and consequently no mention is made here of that procedure.

L. PENAL PROVISIONS

The penal provisions of the election laws of the several states are tediously detailed, going into the various election crimes with great particularity. After some consideration, the committee has decided that it would be unwise to attempt to work out a uniform penal code, though the accompanying model code does contain several general penal sections, designed to cover offenses committed by election officials and other public officers. When this code is considered as the basis for an election bill in any state, the penal provisions of the election law of the particular state should be examined and revised to conform to the terms of the bill. The general penal sections in the following code are not designed to displace the existing penal provisions, but rather to supplement them. In many cases, however, the lengthy penal provisions should be abbreviated, and many of them eliminated entirely. The committee is mindful of the fact that while penal provisions are essential, and should be definite enough to stand up during a criminal prosecution, after all, convictions for election crimes are rarely secured, and improvement in administration and the elimination of frauds must be secured largely through a revision of the administrative and organization sections of the election laws.

Attention is called to the practice in Illinois under the City Election Act, whereby the county judge is the chief election officer of municipalities adopting the act, and, as such, may punish election officers for contempt without a jury trial. In Cook County the present county judge has sentenced, after trial to determine their guilt of election frauds, many precinct officers under his power to punish for contempt. This device constitutes a powerful weapon which may be used to safeguard the purity of elections, though it may not be used without making the election officers servants of the court.

Specification 39. **The election commissioner should be authorized to refuse to pay the salary to election officers who neglect, disregard or violate the provisions of the state election law, or of the rules, regulations and instructions of the state board of elections. Before any compensation is paid to the precinct officers, the election commissioner should cause to be made an examination of the records and such other investigations as he may deem necessary. Appeals from the decision of the election commissioner to a court of proper jurisdiction should be allowed. Such forfeiture should not operate to exempt the precinct officers from criminal prosecution.**

Comment: The penal provisions covering election offenses are largely inoperative because of the difficulties attendant upon the prosecution of election crimes. Although such provisions are now universally relied upon as a means of securing compliance with the election laws, it must be recognized that the procedure is too unwieldy and the punishment too severe to take care of petty violations, as well as neglect of duty. To secure compliance with the routine regulations, where there is no question of fraud or flagrant misconduct, other and less severe penalties, without the formality of a court trial, are needed. The whole administration of elections might be toned up considerably if the officials in charge had a ready and effective means of enforcing routine instructions and disciplining precinct officers. In some cities the election office has used, without statutory authority, the threat of withholding the salary of election officers in case of failure to return election supplies or for other neglect, with successful results.

As a separate part of the report, there are set forth here specifications for the improvement of the general election system, which are closely related to the problem of the routine administration of elections. Some of these recommendations cannot be accomplished without amending the state constitutions; others cannot be adopted at present because of serious political opposition. Nevertheless, the suggested improvements are important and should be looked upon as a long-time program for the improvement of our election system.

Part III—General Changes in the Election Laws

A. The Time and Frequency of Elections

Specification 40. **The elections should be arranged so that there will not be normally more than one regular election to the year, preceded by a primary if such is necessary.**

Specification 41. **The primary preceding state elections should not be held earlier than two months prior to the date of the election; the nonpartisan primary preceding local elections should not be held earlier than two weeks prior to the date of the election.**

Specification 42. **In order to avoid the expense and bother of a special election, vacancies should be filled by appointment until the next regular election. Special referendum elections should be restricted, wherever possible, to urgent matters which cannot be delayed until the next regular election.**

Specification 43. **So far as possible, the election of national, state, county and municipal officers should be separated.**

Comment: Many of our states are afflicted with too many elections. The interest of the public is frittered away to a large extent by constant elections.

So far as possible, there should be no more than one election, preceded by a primary where such is necessary, in one year. This is desirable from every point of view. It would reduce the cost of elections and save the voters from the bother of frequent elections. Under the present state laws often there are as many as four or six elections within a single year. It is no wonder that the voter loses interest.

Another grave fault of our election system is that there is a mingling of national, state, county, and sometimes city elections. Within the last quarter of a century the municipal elections have been largely divorced from state and national elections, with much better results, but we still tolerate the combination of county, state and national elections at the same time. It is hardly necessary to point out that the election of minor officials at such a time is little more than a farce. It is highly desirable to elect the officers of each of these jurisdictions at a separate election. The public interest would then be centered on the candidates and issues of the particular unit of government. This should be accomplished without an increase in the number of elections. The ideal arrangement would be to provide for a four-year term of office for all elective executive and administrative officers, and to separate local, state and national elections as much as possible. There are obvious difficulties in the way of such a proposal. In most states it would involve a change in the constitution, though such a change, if understood by the voters, would be adopted by an overwhelming majority. There is a marked trend toward the adoption of four-year terms for public officers, but this has not been accompanied by a proper arrangement of the elections.

A typical arrangement carrying out the principle separation of elections would be as follows:

1931—City and county election.
1932—Presidential, congressional, and state legislature election.
1933—City and county election.
1934—State and congressional election.

Frequently members of the city council or the county board have overlapping terms, with part of the members coming up for election every year. While there is some merit in this arrangement, it is not important enough to justify the holding of additional elections or combining elections.

Another grave fault in our election system is that the campaigns are unduly strung out. This is due in part to the practice of having direct primaries several months before the election. In many states the direct primary prior to the regular November election is held in August, making necessary a campaign in July (the worst month in the year for political campaigning), and with an interval of three months before the election. This practice is inexcusable. It makes two separate and distinct campaigns of what ought to be one. For nonpartisan elections, two weeks between the primary and the election should be ample, and for partisan state elections, the primary should precede the election by not more than a month or six weeks.

There is no justification for holding a direct primary months before the election. A primary to elect delegates to a nominating convention may be called, with good reason, as much as two months before the election, but even in this case it is unwise to lengthen the campaign unduly.

B. NOMINATIONS

Specification 44. **At every election or primary at which the individual**

candidate is required to file a petition to be placed upon the ballot, he should be required to deposit a fee of five per cent of the annual salary of the office for which he becomes a candidate, the deposit to be returned to him should he poll ten per cent[1] of the total vote cast for that office or nomination. In general partisan elections the ticket of all parties which cast five per cent of the total vote cast at the preceding gubernatorial election, for any office, should be placed upon the ballot without deposit; other political parties should be required to put up a filing fee equal to five per cent of the annual salary of all offices on the ticket, to be refunded in case the party casts five per cent of the total vote cast for any state office.[2]

Comment: The use of a filing fee large enough to discourage candidates who are not serious contenders would have a very salutary effect upon our elections. One of the principal causes of our long ballot is that many persons, for one motive or another, run for office, though they have no expectation of being elected. Sometimes it is the crank; sometimes it is the young lawyer or business man who wishes to avail himself of free advertising. In many communities the same persons run for office over and over again without the least expectation of being elected. It is a sad commentary upon our elections that occasionally an unheard-of person is elected to a high office. Some means should be taken to prevent the ballot from being cluttered up with the names of persons who are advertisers or cranks. The American public should scorn or ridicule such candidates. The most feasible method of restricting the elections to candidates who are serious contenders is to require a substantial filing fee of each candidate, with the provision that any candidate who receives a fair vote will have the fee refunded to him. Already many states require a nominal fee. If there is any question as to the constitutionality of requiring such a fee, an optional method, sufficiently difficult, should be provided whereby any candidate could file a petition to be placed upon the ballot.

It may be objected that a filing fee would make it difficult for the poor man to run for office, while not deterring rich man. This is not a serious objection. It would relieve the candidate of the expense of having a petition paper circulated, and since the fee would be returned to the candidate in case he polled a reasonable vote, the system works to the advantage of serious candidates.

Specification 45. **An alternative method. Candidates should be permitted to submit a petition. Only the signatures of registered voters (if there is a registration of voters) should be counted, and the election office should satisfy itself that the petition is bona fide by an investigation of the signatures.**

Comment: The operation of nominating petitions in this country is anything but satisfactory. Professional petition circulators may be found in many of our large cities, and almost everywhere the circulation of a petition means an expense to the candidate. This would be justifiable if the petition stood for something, but, as is well known, it is an empty formality. The average person will usually sign any sort of a petition placed before him, particularly that of a candidate, regardless of whether he knows anything about the person. He does not regard it at all as an endorsement of the candidate. Where no check is made upon the validity of the signatures they

[1] Under proportional representation this implies 10 per cent of the quota.

[2] This report does not attempt to cover the important and controversial problem of nominating methods.

are often forgeries. While it is not desired to extend the use of petitions, or to make the process more expensive, if they are to be used at all, some safeguards should be taken. The petition should be made so difficult that the normal course would be to deposit the fee.

Specification 46. **Each nominating petition should contain a list of ten sponsors. This procedure should be in addition to the filing fee proposed above, or an optional petition of a larger number of voters. After a nominating petition has been filed, the candidate should be permitted within a reasonable time (fixed by state law) to file a declination of the nomination.**

Comment: With the long ballot which prevails in this country the voter is often unable to secure any adequate information about the candidate, particularly for minor offices. The system of sponsors which is now used in California is promising, and should be adopted throughout the country. The voter can judge something of a candidate by his sponsors, and the system tends to clarify the election somewhat. It is important that the number be kept quite small, for otherwise the sponsor system will tend to become meaningless and clogged with the names of unheard-of persons.

Specification 47. **When there is only one candidate for election or nomination, for any office, that candidate should be declared elected or nominated, as the case may be, and the office omitted from the ballot.**

Comment: Our long ballot is a serious evil. Students of government everywhere realize the importance of taking off the ballot the unimportant offices, so that the voters may vote with some degree of intelligence, and so that our governments may become better organized. This is a difficult process, because of the worship of the theory of democracy, without any attention to the realities of democratic control of government. Except in the field of city government, little progress has been made in shortening the ballot. While the short ballot is not an essential part of the program for the improvement of election administration, yet in several ways the ballot could be shortened by changing our election laws.

Our ballots are long because we insist upon putting every candidate on the ballot, even though he is unopposed. In many elections, particularly primary elections, there is only one candidate for a majority of the positions. Where such is the case, the better practice of declaring the candidate elected (or nominated) should be followed. This would greatly shorten the ballot, reduce the expense, make the task of the voter simpler, and relieve the election officials to a large extent. On the face of it, it is absurd to clutter up the ballot with the names of candidates who are unopposed.

Specification 48. **In many communities the nonpartisan primary should be abolished as unnecessary.**

Comment: Nonpartisan elections prevail widely in this country for judicial, school, municipal, and, in a few states, county officers. Ordinarily such elections are preceded by a primary, in order to limit the number of candidates in the final election to twice the number of officials to be elected to each office. While it is recognized that the nonpartisan primary is necessary in many cities, particularly large cities, where the number of candidates is apt to be large, in many smaller communities this is not the case, and it might well be discontinued. The use of a filing fee with a forfeit provision would discourage numerous candidacies. If the nonpartisan primary could be

dispensed with, this would reduce the cost of elections, do away with the bother of an extra election, and concentrate the public interest more effectively upon the final election. The occasional contest between three or more candidates for the same office would not matter a great deal.

Attention is called to the fact that the need for a primary election is obviated by the adoption of proportional representation or a suitable system of preferential or alternative voting.

C. THE SHORT BALLOT

No report on election administration would be complete without calling attention to our long ballot and recommending that many offices should be filled in other ways. In many states the voter is called upon to vote for from twenty to fifty officers at a single election. This procedure, particularly for populous cities, has become well-nigh farcical. It has been pointed out time and again that the long ballot defeats the very ends of democratic government, for it places upon the voter an impossible task. Democratic control can be secured much more effectively by the election of a few principal officers, who may be held accountable for the appointment of capable minor officials whose duties are administrative in character. The voting process is exceedingly distasteful to the intelligent and frank voter, who realizes that his information concerning the qualifications of the candidates for minor offices is meager. The county is the worst offender in regard to the long ballot, and is the most backward of all of our political units. Competent and responsible administration cannot be secured by electing ministerial officers, whether they be in the state, county or city government. A program for shortening the ballot should start with such officers as the justices of the peace, constables, coroners, clerks of the various courts, bailiffs, city and county clerks, and so on. These offices should be filled by appointment or through the civil service.

Suffrage	Nomination of candidates
Dates of elections	Corrupt practices
Party organization	Initiative, referendum and
Registration of voters	recall

The registration of voters has been covered by a former report on *A Model Registration System*, National Municipal Review, January, 1927. The other parts listed above are largely political or policy matters rather than administrative problems.

This report does not cover the regulation of political campaigns and campaign expenditures, though the committee recognizes the great importance of this problem. It is felt that a scientific field study should precede any attempt at a solution.

Part IV—A Model Election Administration Code[1]

Section 1. State board of elections. There shall be a state board of elections, which shall consist of the governor of the state, the attorney general, and the secretary of state.[2] The secretary of state shall be secretary of the said board, and shall have charge of all

[1] The following code is purposely brief, since many details will be taken care of by rules and regulations of the state board of elections. It does not include the following standard parts of state election codes:

[2] The following alternatives are also suggested: (1) that the secretary of state be the chief election officer of the state, with power to appoint an advisory board of election officials or citizens to assist him in preparing rules, regulations, and instructions for the conduct of elections; and (2) that the state board of elections consist of the secretary of state and two members appointed by the governor from party recommendations.

administrative work. It shall be the duty of the state board of elections:

(a) To prepare rules, regulations and instructions for the conduct of elections and registrations.

(b) To advise with county and municipal election officials as to the proper methods of conducting elections.

(c) To publish and furnish to the precinct election officials prior to each election a manual of instructions.

(d) To publish and furnish to the election officials a sufficient number of indexed copies of the election laws, rules and regulations then in force.

(e) To edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters.

(f) To determine, in the manner provided by law, the form of ballots, blanks, cards of instructions, poll books, tally sheets, certificates of elections, and other forms or records.

(g) To prepare the ballot title or statement to be placed on the ballot for any proposed law or amendment to the constitution or state proposition to be submitted to the voters of the state.

(h) To certify to the local election officials the form of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot.

(i) To receive and determine the sufficiency of all initiative and referendum petitions on state questions, and to certify to the sufficiency of such petitions.

(j) To require such reports from the local election officials as may be deemed necessary.

(k) To compel the observance by the local election officials of the state election laws and the rules, regulations, and instructions issued by the said state board of elections.

(l) To investigate the administration of election laws, frauds and irregularities, and to report violations of the election laws and regulations to the attorney general or prosecuting attorney or both for prosecution.

(m) To publish an annual report containing the results of state elections, cost of elections in the various counties, and such other recommendations and information relative to elections as may seem desirable.

(n) To canvass the returns of state and national elections, and also the election of any unit of government not wholly contained within a single county, proclaim the result thereof, and issue to the successful candidates a certificate of election, and to perform such other duties as may be required by law.

In the performance of his duties as secretary of the state election board, the secretary of state shall have the power to administer oaths, issue subpoenas, summon witnesses, compel production of books, papers, records and other evidence, and to fix the time and place for hearing any matters relating to the administration and enforcement of the election laws and rules, regulations and instructions of the state election board. The rules and regulations issued by the state board of elections shall conform with the provisions of the state election law, and shall have the same force and effect as state law. The state board of elections shall fix its own rules and procedures for the conduct of its business, but all decisions shall require a majority vote. The members of the said board shall have the power to designate an alternate, who shall be a regular employee and assistant of said member, and who shall attend the sessions of the said board in the absence of his superior officer and act as his proxy.

Section 2. Commissioner of elections in cities of 200,000 population and over.

In cities[1] having 200,000 population or over at the last preceding federal census, there shall be a commissioner of elections, who shall be appointed by the mayor under the civil service rules and regulations of such city. The commissioner of elections shall hold office for an indefinite term, subject to removal for cause by the mayor, after notice and an opportunity for a public hearing. Any person who within a period of fifteen months has been an officer in any party organization shall be ineligible for appointment as election commissioner or as a regular or temporary employee of the election office.

The election commissioner shall appoint such regular and temporary employees as may be necessary for the conduct of the duties of the office. Such employees shall be selected from eligible lists prepared by the civil service commission of the city after competitive examination. The compensation of the election commissioner and all employees of the election office and precinct officers shall be determined by the city council.

The election commissioner shall have general charge and supervision of the conduct of elections and registrations within the city. He shall perform the following duties, and such other duties as may be imposed upon him by state law or by the regulations of the state board of elections, or as may be necessary for the proper conduct of elections and registrations:

(a) To divide the city into voting precincts, with such changes as may be necessary from time to time.

(b) To select and equip polling places and places for the conduct of registration.

(c) To provide for the purchase, preservation and maintenance of election equipment of all kinds, and to provide ballots and other supplies for the conduct of elections.

(d) To select and appoint precinct election and registration officers.

(e) To instruct precinct officers in their duties, calling them together in a meeting whenever deemed advisable, and to inspect systematically and thoroughly the conduct of elections in the several precincts of the city, to the end that elections may be honestly, efficiently, and uniformly conducted.

(f) To prepare and publish all notices, advertisements and publications in connection with the conduct of elections or registrations, or the purchase of election supplies or ballots, as may be required by law or by the regulations of the state board of elections.

(g) To investigate election frauds, irregularities, or violation of state election laws or the rules and regulations of the state board of elections. The election commissioner shall have the power to administer oaths, issue subpoenas, summon witnesses, and compel the production of books, papers, records, and other evidence in connection with such investigations; and shall report the facts to the prosecuting attorney.

(h) To review, examine and certify the sufficiency and validity of petitions and nomination papers.

(i) To receive the returns of elections, canvass the returns, make abstracts thereof and transmit such abstracts to the proper authorities provided by law, or to publicly announce the results of the election within his jurisdiction, and to issue certificates of elections.

(j) To prepare and submit an annual report to the state board of elections, which shall contain a statement of the number of votes registered, the elections held, votes cast, results of such elections, appropriations received and expenditures made, and such other

[1] In some states the county rather than the city is the local unit for the administration of elections.

data as the state board of elections may require.

(k) To prepare and submit to the proper authority a budget estimating the cost of elections and registrations for the ensuing fiscal year.

Section 3. City clerk to be election commissioner in cities of less than 200,000 population and of 10,000 population or over. In cities of less than 200,000 population and of 10,000 population or over, the city clerk shall be the election commissioner, and shall perform the duties listed in Section 2 above, with the exception that ballots for county, state, and national elections, and elections which extend beyond the boundaries of the city, shall be printed by the county clerk. In case municipal elections are held at the same time as county elections, the city clerk shall certify to the county clerk the names of the candidates for municipal offices, which shall be printed by the county clerk.

Section 4. County clerk to be the election commissioner in the county. In all counties the county clerk shall be the election commissioner for the county, and shall perform the duties listed in Section 2 above, except as otherwise provided for cities of 10,000 population and over.

Section 5. Precinct officers. On or before thirty days prior to the first election in even numbered years there shall be appointed for each precinct one inspector of elections, who shall be in charge of the conduct of the election in the precinct, and one or more clerks of election (but not to exceed three in any precinct, except precincts containing more than 800 registered voters). All decisions shall be by a majority vote of the precinct election officers. The precinct election officers shall be qualified electors, of good reputation, and with sufficient education and clerical ability to perform the duties of the office, and shall possess such other qualifications as may be prescribed by the state board of elections. In so far as may be practicable, not all officers serving in any precinct shall be members of the same political party. The following classes of persons shall be ineligible to serve as precinct election officers:

(a) Persons holding a public office, except justices of the peace, constables, notaries public, and school teachers.

(b) Candidates for public office, party office, or for nomination for public office at the election at which they will be voted upon.

(c) Persons who bear the relationship of husband, wife, son, daughter, father or mother to a candidate.

(d) A precinct committeeman or committeewoman of any political party, or a member of the family of a precinct committeeman or committeewoman.

(e) A person convicted of a felony or an election crime, or a person previously removed as an election officer.

The precinct election officers shall be appointed by the election commissioner for a term of two years, and may be summarily removed by such officer at any time. No person shall be appointed as precinct election officer until he or she shall have made a written application in his or her own handwriting and appeared personally before the election commissioner of the city or county or his assistant for an oral interview, except that such application and interview shall not be required of persons who have previously made such application. The election commissioner shall be personally responsible for the appointment of competent precinct election officers, and shall make such inquiries and investigations as he may deem necessary prior to the making of appointments. He shall summarily remove any precinct officer whom he believes to be

derelict in his duty, or guilty of violation of the election laws or regulations, and appoint another person to fill his place. All vacancies shall be filled by the election commissioner, except that in rural precincts, the commissioner may authorize the precinct election inspector to fill vacancies. It shall be compulsory for any citizen, after being appointed, to serve as precinct election officer, except that no citizen shall be compelled to serve within a period of four years after having completed two years of service as election officer. Any person who shall refuse to serve as election officer shall be subject to a fine of not more than one hundred dollars and not less than ten dollars. All persons before assuming the duties of a precinct election officer shall take and subscribe to an oath of office prescribed by the state board of elections. The inspector of elections shall take and subscribe to said oath before the officer in charge of elections or his assistant, and shall in turn administer the said oath to new election clerks in his precinct who have not previously taken the oath.

Section 6. Ballots. All elections shall be by paper ballots or voting machines, and the form of such paper ballots or the ballot labels used in voting machines shall conform to the rules and regulations of the state board of elections. All ballots or ballot labels shall be so arranged that the candidates for each office are grouped together, and there shall be no party column, either vertically or horizontally, emblem or party circle, for the voting of a straight ticket upon the ballot. In all elections the names of the candidates shall be rotated so that each candidate will occupy each position within the group an approximately equal number of times, but the ballots in any precinct shall all be identical. In such elections as are designated as nonpartisan, no party name shall appear on the ballot following the name of the candidate. The officer in charge of the printing of the ballots is authorized, in case the names of two or more candidates are so nearly alike as to be confusing to the voters, to add to the name of a candidate, his residence address and occupation. In so far as it may be practicable, the names of all candidates to be voted for and all referendum propositions shall be printed upon a single ballot, but it shall be permissible to print separate ballots for the candidates and the referendum propositions, or to use more than one ballot for the names of the candidates. The state board of elections may require, for all or a part of the state, that the ballots shall be printed with a serially numbered stub, which number shall be recorded on the poll list when the voter is given a ballot, and the stub shall be removed before the ballot is deposited in the ballot box. Each official ballot shall bear on the face of the ballot the words "OFFICIAL BALLOT," with the name of the city or town, ward and precinct, and with a facsimile of the signature of the election officer of the city or county. No ballot shall be counted which does not contain this facsimile. The contract for the printing of ballots shall be awarded to the lowest responsible bidder, after sealed bids have been secured and publicly opened.

Section 7. Precincts and polling places. The election commissioner shall divide the city or county into voting precincts, with due regard to the various political units and the election requirements. The precincts in incorporated cities shall contain at least four hundred registered voters, unless this is impracticable. A double set of precinct officers or additional clerks may be provided when deemed necessary for precincts containing more than 800 registered voters, for all or for a part of the day of election, and to assist

in conducting the count. Precincts shall be compact and contiguous, and shall be arranged, if practicable, so that some public building may be conveniently used as a polling place for the voters. The election commissioner shall fix the places for the conduct of elections and of registrations. Such places shall be located, so far as possible, in public buildings. It shall be the duty of the school authorities to provide suitable rooms within school buildings, and the police and fire departments and other municipal departments shall co-operate in providing suitable polling places. The polling places shall be located either within the precinct or within an adjoining precinct. Where it is not practicable to use a public building for the polling place, the officer in charge of elections may rent a suitable place, or provide a portable building for the purpose.

Section 8. Advertising the election. Within one week prior to each election the election commissioner shall either publish in one or more newspapers of general circulation a copy of the ballot or mail a sample copy to every registered elector. The published advertisement or sample ballot shall contain brief instructions for voting and shall state the hours during which the polls will be open. Thirty days prior to each election or primary the election commissioner shall post at his office a notice that an election will be held, and of the officers to be elected.

Section 9. Hours of election. In cities of 10,000 population and over the polls shall be open at 7 A. M. and remain opened until 8 P. M. In other places the hours for voting shall be fixed by the state board of elections. All qualified electors present at the polls at the time for closing, and waiting to vote, shall be permitted to vote.

Section 10. Election records and supplies. All ballots, records, forms, and supplies for the conduct of elections shall be delivered to the residence of the inspector of elections for each precinct prior to the day of elections, or to the polling places on the morning of elections prior to the opening of the polls, and a receipt secured therefor. The precinct inspector shall return the records, ballots, and supplies after the close of the election.

Section 11. Maintenance of order at the polls. It shall be the duty of the inspector of elections to enforce peace and good order in and about the polling place. He may call upon the sheriff, police, or other peace officers to assist him in preserving the peace, and may order the arrest of persons violating the provisions of the election laws and regulations, but such arrest shall not prevent such persons from voting if they are entitled to vote. It shall be the duty of the officer or authority having command of the police department of any municipality, or the sheriff of any county, to detail at least one officer to each precinct where the election commissioner requests such a detail. Such officer shall assist in preserving the peace and order at the polls, and place under arrest any person violating any provisions of the election laws or disturbing the peace.

Section 12. Procedure at the polls. When a voter appears at the polls to vote, he shall sign his name and write out his address on a voters' certificate, and present this to the officer in charge of the register. This officer shall ascertain whether the voter is duly registered, and if so, shall compare his signature with that contained in the registration record. If such officer is satisfied by comparison that the person applying to vote is the person who has registered under the same name, he shall approve the voter's certificate by initialing the same, and hand it back to the voter. He shall then make a

suitable entry in the registration record, as may be prescribed by the state board of elections, to show that the voter has been permitted to vote at that election. The voter shall then present the voter's certificate to the officer in charge of the ballots and receive from him the official ballots which he is entitled to vote. If the ballots contain serially numbered stubs, these numbers shall be recorded on the voter's certificate at the time the ballots are handed to him. The voter's certificate shall be carefully preserved by being placed in a suitable device, and shall constitute the official poll list of the election. The voter upon receiving a ballot shall retire to a voting booth and mark it in private, fold it so that the markings cannot be observed, and return it to the officer in charge of ballots to be placed in the ballot box. If the ballot has a serially numbered stub, this stub shall be removed from the ballot before it is deposited in the ballot box.

If any person is unable to sign his name, and upon examination of his registration record it appear that he was unable to sign his name upon it, the officer in charge of the register shall write his name and address upon a voter's certificate for him, and require him to make his mark, but no person shall be permitted to vote until the officer in charge of the register shall have questioned him and satisfied himself that the person applying to vote is the same and identical person registered under the same name.

Section 13. Assistance to voters. No person shall be permitted to have assistance in voting unless he state under oath to the precinct inspector, or in his absence, to one of the other officers, that he is physically unable to mark his ballot. A suitable notation shall be entered upon the voter's certificate of any voter receiving assistance, together with the name of the officer or member of the voter's household who gave the assistance. The person giving the assistance shall accompany the voter to a booth, and read aloud to him the names of the candidates for each office and mark the ballot according to the oral instructions of the voter.

Section 14. Challenges. Any election officer or watcher present at the polls shall have the right to challenge any person who applies to vote. The person making the challenge shall state a definite ground upon which the challenge is made, and support it with a brief statement. The precinct inspector shall make a memorandum of the challenge upon a form prescribed by the state board of elections, and shall require the person making the challenge to sign the same. The precinct inspector shall then place the challenged voter under oath and question him concerning his qualifications for voting. Before being permitted to vote, the person who has been challenged shall be required to sign an affidavit covering the qualifications for voting. A voter who is unable to sign his name shall be permitted to make his mark. He shall not be permitted to vote if, according to his answers, he is not qualified, or if he refuses to answer any pertinent question concerning his qualifications. A record of each challenge shall be made in writing by the precinct inspector, upon forms prescribed by the state board of elections, showing the name of the voter, his address, the grounds of the challenge, the person making the challenge, and the decision in the case. These records shall be preserved and turned in to the election commissioner. The state board of elections shall prepare detailed instructions for the precinct officers covering various types of challenges which may be made. The election commissioner shall have the power to challenge any voter

by marking or stamping the registration record to indicate that the voter shall be challenged. No voter whose registration record is so challenged shall be permitted to vote until after he has been placed under oath and carefully questioned concerning all of the necessary qualifications for voting, and required to sign the affidavit for challenged voters. If upon such challenge, the voter is found to be qualified, the precinct inspector shall mark upon the registration record that the challenge has been removed, with the date, and sign his name.

Section 15. Watchers. Any civic organization or committee of citizens interested in the outcome of an election, and in partisan elections, any political party which has candidates running for public office, shall, upon petitioning the election office ten days prior to an election, be entitled to have two watchers at any and all polling places within the city or county. Suitable credentials shall be issued to such watchers. All political watchers shall be permitted to remain at the polls during the conduct of the election and the count, to make challenges, and to raise any pertinent questions about the validity of ballots, or violations of the election laws and regulations. They should be permitted to compare the signatures of voters, and to scrutinize the ballots as they are being counted, but shall not be permitted to handle the ballots or election records. In case any watcher attempts to obstruct the conduct of the election, or to intimidate voters, engage in campaigning, or otherwise violate any provisions of the election laws or regulations he shall be warned, and if he continue, he shall be required to leave the polls.

Section 16. The count. The state board of elections shall prescribe the method by which the count shall be conducted, issue detailed written instructions to the precinct officers, and prescribe the necessary tally and returns sheets which shall be used. The count may be conducted either in the precinct or at a central place for a city or county, as may be prescribed by the state board of elections.

Section 17. Voting machines. Any city or county, by action of its legislative body, may adopt voting machines. One or more machines, as may be needed, may be used in any precinct. The precinct election officers shall consist of an inspector and one or more clerks. Voting machines may be used experimentally in all or part of a city or county prior to adoption, and such use shall be legal. No machine shall be used until it has been approved by the state board of election commissioners. No machine shall be approved until it has been examined and approved by competent mechanics as to its reliability, construction, accuracy, and adaptability to meet the election requirements of the state. No machine shall be approved unless it preserve the secrecy of the ballot, unless prior to the act of recording his vote it permit the voter to correct any mistakes which he may have made, unless it permit the voter to vote for all the candidates for whom he is entitled to vote, and unless it may be used in a primary election in such a manner as to restrict the voter to one party. Any machine which may be used shall be suitably protected against tampering and frauds by seals or locks. The state board of elections shall provide by rules and regulations the detailed manner in which voting machines may be used.

Section 18. Absent voting. Any person who is absent or who expects to be absent on the day of the election from the county in which he resides, or who

is physically unable to attend the polls because of illness or infirmity, may cast an absent voter's ballot under the following regulations.

(a) He shall be permitted to vote by appearing in person at the office of the election commissioner after the ballots have been printed, up until and including Saturday prior to the day of the election. Upon such application he shall make an affidavit of the fact that he expects to be absent from the county on the day of the election, and upon receiving a ballot for his precinct, shall mark the same in a suitable voting booth. He shall fold the ballot, and in the presence of the election commissioner or an employee of the office, place it in an envelope, together with his affidavit, and seal it. This envelope shall be preserved and turned over to the precinct election officers.

(b) He may make a written application to the election office for an absent voter's ballot, stating that he expects to be absent from the county, or that he will be unable to attend the polls because of illness or infirmity. If the application is received by the election office three days prior to the election, the office shall compare the signature of the voter with that contained on the registration record, and if it appears that the two are the same, shall forward the official ballot or ballots to the voter, together with the necessary forms, instructions, and envelopes. The voter shall appear before an officer authorized to administer oaths and make affidavit of his qualifications to vote and the fact of his absence, illness or infirmity, upon a form prescribed by the state board of elections, and, in the presence of such officer, but in such way that the secrecy of the ballot is preserved, mark the ballot, place it in an envelope, and seal it. The envelope, addressed to the election office, shall then be mailed by the voter. The election commissioner shall turn over to the precinct inspector all absent voters' ballots received up to and including the Saturday prior to the day of the election, and in cities of 10,000 population and over, shall send such additional ballots as may be received up until noon of the day of election by special messenger to the polling places. The precinct election officers shall publicly announce the names of absent voters before opening the envelopes, and permit challenges to be made. If the vote of any absent voter is challenged, a record shall be made of it and attached to the envelope, which shall be returned unopened to the election commissioner, who shall have the challenge investigated and accept or reject the vote, adding it to the precinct returns if it is accepted. If the vote of an absent voter is not challenged, the precinct election officers shall open the envelope, compare the signature on the affidavit with that on the registration record, prepare a voter's certificate for such absent elector and make a note thereon to indicate that the voter cast an absent voter's ballot, and place the ballot in the ballot box. If the signature of the absent voter on the affidavit does not appear to be the same as that on the registration record, the vote shall be rejected and returned to the election commissioner with a memorandum of the case. No person who is unable to sign his name shall be permitted to vote by absent voter's ballot.

Section 19. Canvassing the results. The election commissioner shall make an official canvass of the election returns as soon as practicable after the close of the election, and publicly announce the results. He shall issue certificates of election to all persons duly elected, or transmit a certificate of the result of the election to the proper officers entrusted with making the canvass.

Section 20. Recounts. Any candidate or group of candidates may within 10 days after the official results are announced petition to have one or more precincts recounted, and any citizen may within the same time petition to have the vote on a referendum proposition in one or more precincts recounted. Such petitioners shall be required to deposit a fee of five dollars for each precinct petitioned to be recounted, and shall be permitted to amend their petition from time to time, while the recount is in progress. While the recount is in progress other candidates for the same office shall also be permitted to petition for a recount of certain precincts and to amend their petitions. The election commissioner shall, upon the presentation of such petition with the required deposit, fix a time within twenty-four hours when the recount will be started, and deputize teams of four persons to conduct the recount, which shall be made under rules and regulations prescribed by the state board of elections. Each candidate or group of candidates affected by the recount shall be permitted to have two watchers present at the recount, who shall be permitted to scrutinize the ballots and to raise objections as to their validity. All disputed ballots shall be laid aside and passed upon by the election commissioner. If the cost of the recount is less than five dollars per precinct, the remaining amount shall be refunded to the person or persons petitioning the recount. If the result of the election is changed, the entire amount deposited by the contestant shall be refunded. If upon the recount of any precinct, the vote received by any candidate recounted, or the vote for or against any referendum question recounted, be five per cent greater or five per cent less than the original return for such candidate or upon such referendum question, the deposit for such precinct shall be refunded to the petitioner.

After the expiration of the time to petition the election commissioner for a recount, any candidate may apply to a court of proper jurisdiction to secure a recount, or to have the election set aside.

Section 21. Presidential electors. In presidential elections each political party nominating candidates for president and vice president of the United States and electors of president and vice president shall file with the state board of elections a list of candidates nominated for such positions, the number of candidates nominated for electors of president and vice president not exceeding the number which the state shall be entitled to elect. The state board of elections shall direct that the ballots throughout the state shall be printed with the names of the candidates for the office of president and vice president of the several political parties, without the names of the candidates for presidential electors, and the votes cast for such candidates shall be counted for the candidates for electors of president and vice president of such party, whose names have been filed with the state board of elections.

Section 22. Misconduct of election officers. Any election officer who willfully refuses to accord to any duly accredited watcher or to any voter or candidate any right given him by state law, or by the rules, regulations or instructions of the state board of election commissioners, or who willfully violates any provision of the election law or such rules, regulations, or instructions, or who willfully neglects or refuses to perform any duty imposed upon him by such law or such rules, regulations, or instructions, or who is guilty of any fraud in the execution of the duties of his office, or who connives in any elec-

toral frauds, or knowingly permits such fraud to be practiced, is guilty of a felony, punishable by imprisonment for not more than three years, or by a fine of not more than three thousand dollars, or both.

Section 23. Violation of election law or rules, regulations, or instructions of the state board of elections by public officer or employee. A public officer who omits, refuses or neglects to perform any act required of him by the election law, or by the rules, regulations or instructions of the state board of election commissioners, or a public officer or employee who refuses to permit the doing of an act authorized by such law, rules, regulations or instructions, or who willfully hinders or delays or attempts to hinder or delay the performance of such act, is, if not otherwise provided by law, punishable by imprisonment for not more than three years, or by a fine of not more than three thousand dollars, or both.[1]

Section 24. Election officers to forfeit salary for neglect of duty. Any election officer or board of election officers who shall, individually or collectively, neglect to perform any duty imposed upon them by any provision of the state election laws, or of the rules, regulations or instructions of the state board of elections, or who shall disregard or violate any such provision, shall forfeit any salary or other compensation which may be due to them as election officers. The election commissioner shall investigate the work of precinct election officers, and following each election shall cause an examination to be made of the records returned to his office to ascertain whether the election laws, rules, regulations and instructions have been complied with. No payment shall be made until after the completion of such examination and investigation. If it appear to the satisfaction of the election commissioner that any election officer or any precinct board is guilty of violating the provisions of this section, he shall refuse to authorize the payment of such officers, and notify them in writing. Any election officer whose salary is forfeited under the provisions of this section may appeal to a court of proper jurisdiction. Such forfeiture, however, shall not operate to exempt such officers from criminal prosecution under the penal provisions of the state law.

[1] Sections 22 and 23 are copied almost *verbatim* from Chapter 41, Sections 753 and 763, respectively, of the *Consolidated Laws of New York.*

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